REPORT

OF THE

SUDDER DEWANNY ADAWLUT

NORTH WESTERN PROVINCES

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE

FOR THE YEAR

1845.

AGRA:

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1846.

Report.

No. 781 of 1846.

From G. F. EDMONSTONE, Esquire,

Register to the Court of

Sudder Dewanny Adawlut,

N. W. Provinces.

To JOHN THORNTON, Esquire,

Secretary to the Government of the

N. W. Provinces.

Dated Agra, the 6th June, 1846.

Sir,

S. D. A., N. W. P.
Present:
G. P. Thompson, C. R. Cartwright, *Judges,* } Esquires.
and A. W. Begbie, Esq. *Offg. Judge.*

I have the honor, by direction of the Court of Sudder Dewanny Adawlut, to submit the accompanying Reports according to annexed list, and Statements in illustration of the administration of Civil Justice in the North Western Provinces, during the year 1845.

DELHIE.

2. The Statements from this District have been submitted with a Report by Mr. J. P. Gubbins, who, on the compulsory departure of Mr. C. Lindsay, the permanent incumbent on the 11th March 1845, received charge of this Judgeship, and continued until the close of the year under review to superintend the administration of Civil Justice, in a manner, which reflects credit on his energy and zeal, and called forth on more than one occasion the commendation of the Judge of this Court, to whom the duty of revising the periodical returns of business appertained. During the past year there was a remarkable falling off, to the extent of 524, in the number of suits, brought before the Civil Courts of this jurisdiction, and to this, without seeking for other reasons, a diminution of 581 in the number of decisions may be attributed: when December ended, the general file exhibited an arrear of 456 regular cases, [or 33 less than at a corresponding period of the preceeding year] of which only one, remanded to the Principal Sudder Ameen's Court by the order of the Sudder Dewanny Adawlut, was nominally of longer

Judge.		
Headings, Nos.	1 to 14, ..	425
" "	15 to 17, ..	2654
		3079

Principal Sudder Ameen.		
Headings, Nos.	1 to 14, ..	501
" "	15 to 17, ..	199
		700

standing than a 12 month, "nominally," because the order referred to bears date the 13th September, and the papers relating to the case in question, owing to the intervention of the Dusserah Vacation, and other unavoidable interruptions, were not received by the Principal Sudder Ameen until the 13th December, when the steps, necessary for bringing the same to a rehearing, were promptly taken. It may be added, in further evidence of the industry and intelligence of the several Judicial Officers engaged, and of the regularity, with which business is transacted in the Courts of this Territory, that, with the exception of one matter relating to the execution of a Decree, passed by the Sudder Dewanny Adawlut, no Miscellaneous application or petition of any kind, instituted prior to the commencement of 1845, awaited a final order, and that in the Courts of the Sudder Ameens and Moonsiffs the oldest regular suit, which remained undecided, was brought on the file on the 5th June 1845. The Court, adverting to the small number of suits instituted in some of the Lower Courts, conceived it their duty in the course of the year to propose for the consideration of the Officiating Judge, whether a reduction in the strength of the judicial agency might not be both practicable and expedient, and suggested, in mooting the question, that the difficulty, opposed to its execution by the large extent of the subordinate jurisdictions in the Delhie Territory, might perhaps be overcome by a re-adjustment of their limits, on the principles, laid down in the Government Resolution of October 1837; notwithstanding that Mr. Gubbins has expressed objections, which are entitled to some weight, the Court have not yet been able to come to a determination on the matter, being desirous, before doing so, of obtaining Mr. Lindsay's opinion, with which they have not yet been favored.

3. In the Judge's Court, presided over by Mr. C. Lindsay and Mr. J. P. Gubbins, for the periods abovementioned, 246 regular Appeals, and 2969 Miscellaneous cases, of which 315 related to the several matters represented in the first 14 headings of Statement No. 2, were brought to decision after investigation of the merits, and the arrear in both departments was so inconsiderable at the close of the period under review, as to satisfy the Court, that little or nothing, susceptible of disposal, remained pending; the share taken by each of these Officers in the transaction of this business is exhibited in the marginal memorandum,* and calls for no particular remark, save that, in addition to the above, 5 Appeals under Regulation III. of 1828 were determined by Mr. J. P. Gubbins in his capacity of Special Commissioner, and that the duties of the Sessions Court, comprehending the trial of 157 prisoners, implicated in 85 cases, and the disposal of 606 Criminal Appeals, occupied 172 days, inclusive of the Mohurrum and Dusserah Vacations, sittings being held on the Civil side for 84 days, and a portion of 118 others. As in 1844, so in the past year no cases of a nature to call for the aid of the Agency, permitted by Regulation VI. of 1832, came before the Court, and the Law in question was of course practically inoperative, but the reason assigned is one which might with equal validity be urged by the Judges of other Districts, who, nevertheless, find occasion for giving effect to its provisions, and acknowledge the assistance, which they invariably derive from native co-operation; the suits, brought before the Court of Delhie, partake, it is presumed, of the character by which civil actions in other parts of the country are distinguished, and might, the Court conceive, be as easily and effectively adjudicated in that manner, which the Regulation cited allows, as the latter, did the same inclination to give effect and currency to its provisions exist. The Sudder Dewanny Adawlut, in disposing of 13 Appeals† 2 Regular and 11 Special) modified or reversed, 3 of Mr. Lindsay's decisions, sending back the 2 remaining cases by remand, and affirmed Mr. Gubbin's judgment in one instance only, reversing it in 4,

* REGULAR CASES.

Decided on Trial.	By Mr. Lindsay, ..	21
	By Mr. Gubbins, ..	225
		246

MISCELLANEOUS CASES.

Disposed of	By Mr. Lindsay,	398
	By Mr. Gubbins, ..	2681
		3079
Deduct those struck off and transferred to other Courts,		.. 110
Decided by order on the merits, ..		2969

† From Mr. Lindsay's order, ... 5
From Mr. Gubbin's order, ... 8
13

modifying it in one, and returning the other 2 for re-investigation or re-trial, after their restoration to the original number on the file.

4. The Office of Principal Sudder Ameen would seem to have been efficiently administered during the year under notice by Mahomed Sudduroodeen Khan, whose performances have on former occasions elicited the commendation of the Court. Besides investigating and deciding 196 regular suits, (of which 98 were original and the like number Appeals), and passing orders on the merits of 369 Miscellaneous cases, and petitions, appertaining to the 14 important Headings of Statement No. 2, he was for more than a month and a half in charge of the Delhie Moonsiff's Court, owing to the removal of the incumbent, Mr. R. H. Smith, to another Office, and determined during that period 84 original suits, and a fair proportion of Miscellaneous business; he is reported moreover to have delivered his opinion as Mahomedan Law Officer in 66 Sessions trials, and is believed to have given satisfaction by his zeal, personal assiduity and intelligence; nothing has transpired during the past year of a nature to sully the reputation, which this Officer has hitherto enjoyed; his Court is said by the Officiating Judge "to be held in considerable estimation" by the native community at large, a conclusion, which receives corroboration from the paucity of Appeals, preferred to obtain reversal of his judicial decisions. That the diligence of the Principal Sudder Ameen has been equal to the necessity for its exercise, is shewn by the condition of his files, both regular and miscellaneous, which exhibited, the one 41, the other 40, cases remaining for future disposal, and that the matters submitted to his judgment have been carefully and patiently investigated, may be inferred from the fact of his decisions having been approved by his immediate superior in 23 out of the 35 Appeals, that were determined in his Court before the close of 1845; only 4 Appeals (2 Regular and 2 Special) came before the Sudder Dewanny Adawlut, by whom the Principal Sudder Ameen's order was in one case confirmed, and in one reversed, the remainder having been sent back by remand. It is only necessary to add further in regard to the operations of this Court, that of the 369 Miscellaneous cases above mentioned 115 related to the execution of decretal orders, 167 to objections brought forward in course of execution, and 68 to the 6th and 7th Headings of the Statement No. 2, all these being matters which call for time and some measure of discrimination in their disposal.

5. The business, dispatched by the subordinate judicial agency of this territory, falls short of that accomplished in 1844, and described in the 5th paragraph of the last Report, but the cause of this has been shewn above to be unconnected with any want of exertion on the part of the Officers engaged; the three Officers, who fill the Office of Sudder Ameen at Delhie, Goorgaon and Rohtuck, are, as the Government need hardly be informed, chiefly employed in the adjudication of suits, falling within the competency of a Moonsiff to decide, but it is not judged advisable to abolish the superior description of agency, without more sufficient reason, than the small saving of expence, which would be thereby effected, is thought to afford, as in that event all persons, no matter how remote their abode, would be compelled to resort to the Principal Sudder Ameen's Court at Delhie, to obtain redress in all cases beyond the legal competency of a Moonsiff; it may be sufficient to state in regard to these Courts, that when the year ended, no more than 29 regular, and 20 Miscellaneous cases of every kind remained for future decision, and that the functionaries presiding in them, in disposing of 111 original suits cognizable by Sudder Ameens, and carrying out 85 decrees to full or partial enforcement, accomplished all, that the quantity of business instituted, permitted. By these and 5 other Officers, acting as Moonsiffs, 2268 regular suits were determined on trial, at an average of 283½ to each, the inability of the majority to attain to the prescribed minimum of annual decisions being accounted for by the state of their files, which exhibited but few* depending cases when the year closed; of the above, 446 cases were tried exparte, and 768 were decreed on confession of judgment, the two items constituting a proportion of 53·52 per cent to the whole number decided on trial,

Goorgaon,	59
Hissar,	30
Nuh,	33
Sirsa,	25

but, as the Officiating Judge has not noticed the matter, it is to be presumed that in the exercise of his supervising authority he has satisfied himself, that the requirements of Law are duly observed in the one case, and that in the other, the privilege of confessing judgment is not perverted to unlawful or improper purposes: a remarkable feature in the returns from this District is the large number of adjusted claims, which amounted during the year 1845 to no less than 2488, a peculiarity, of which some explanation might have been desirable. Commendable activity has been exerted in the execution of Decrees, 897 having been completely and 717 others partially enforced, a result, which, taken together with the prompt disposal of various miscellaneous matters, more or less connected therewith, reflects credit upon the functionaries, whose performances have just been reviewed. Whatever opinion may be formed of their industry and attention on perusal of the foregoing review, no favorable estimate of their judgment can be deduced from the marginal note, which represents the result of Appeals from their decisions and shews, that the reversals bear a proportion of 42·85 per cent to confirmations. The only exception observable is the issue, with which Appeals from the orders of Sookhbasee Loll, Moonsiff of Noh, were attended, his judgment having been approved in 11 out of 15 cases, which underwent revision, in the proportion of 73·33 per cent: it would seem, therefore, that, his promotion* during the past year to the superior grade was well merited, and that there is good ground for concluding, with Mr. Gubbins, that his decisions display generally fair legal knowledge and good discrimination, and that he "possesses in a great measure the confidence of the people." Both Ikramooddeen the Sudder Ameen and Moonsiff of Delhie, and Ataoollah Khan, who occupies the like position at Rohtuc, have long served Government in a judicial capacity, and are admitted during the past year to have sustained the character for integrity, which they have acquired, but they are both so advanced in years, and so burthened with the infirmities of age, that little hope of further efficient service at their hands can be encouraged, and it would be well for their reputation, that they accepted from Government the pensioning support, to which they are entitled; in the course of the year the Court had occasion to animadvert severely upon some proceedings of the former officer, in which indefensible carelessness, and equally indefensible disregard of the legal and other instructions, by which his conduct should be governed, were ascribed to him, but they abstain from a more detailed notice of the circumstances, in the belief that it will not be suffered to recur, and that Ikramooddeen will shortly withdraw from the public service. It is only requisite to allude to the correspondence,† which has passed since the date of the last report, respecting the transfer of Mohesh Chunder, the Sudder Ameen and Moonsiff of Goorgaon, to the Bengal Division of the Presidency, and to intimate that, an opportunity offering, the arrangement proposed by the Calcutta Court of Sudder Dewanny Adawlut will be gladly adopted, while of the other two subordinate Judicial Officers of this Territory, Fuqueer Chund, Moonsiff of Hissar and Kasim Alee, Moonsiff of Paneeput, the Court regret to observe, but an indifferent character is recorded, the former being apparently held in little estimation by the people, and the latter being not only

	Tried.	Confirmed.	Reversed or Modified.	Percentage of reversals.
Ikramooddeen, Moonsiff of Delhie,	85	46	39	45·85
Mahomed Alee Beg, Moonsiff of Delhie,	62	40	22	35·48
Kurm Alee, Moonsiff of Paneeput,	42	22	20	47·62
Mohesh Chunder, Moonsiff of Goorgaon,	36	17	19	52·77
Ataoollah Khan, Moonsiff of Rohtuck,	27	17	10	37·03
Fuqueer Chund, Moonsiff of Hissar,	15	8	7	46·66
Sookhbasee Lôll, Moonsiff of Noh,	15	11	4	26·66
Buldeopurshad, Moonsiff of Sirsa,	5	3	2	40·00
	287	164	123	42·85

* Vide Your letter, No. 4859, dated 19th November 1845, in reply to my address, No. 1874 dated 26th October.

† Court's letter to Government N. W. P. 1494, dated 3rd September 1845. Government in reply No. 3953, dated 16th September 1845. Government N. W. P. No. 132, dated 19th March 1846 and annexure.

careless, and ill acquainted with the Regulations, but obnoxious at the same time to suspicions affecting the respectability of his conduct and character; Mr. Gubbins, however, desires to suspend his judgment in regard to Kasim Alee, and hopes to be at no distant period better able to offer a definite opinion.

6. Subjoined is a comparative statement of the cost, incurred by Government during the past year in the maintenance of the subordinate judicial establishments, and of the amount realized by the sale of Stampt paper filed in these Courts, the latter, it will be observed, amply providing for the former; as in 1844. so in the Statement of the past year the salaries of the three Officers, located at Delhie, Goorgaon and Rohtuck, are not included for the reason given by Mr. Lindsay and recapitulated in the 5th paragraph of the Court's last report, but if the usual expense, requisite for the maintenance of 3 Moonsiff's Courts be added to the actual outlay, there will still remain a balance of Rupees 3731 4 8, in favor of Government.

Moonsiffees.		*Cost.*				*Amount realized by Sale of Stamps.*		
1st Moonsiff of Delhie,	....	0	0	0	.....	3468	0	0
2nd Moonsiff of Delhie,	....	1597	12	9	.....	2947	0	0
Moonsiff of Goorgaon,	....	0	0	0	.....	1613	0	0
Moonsiff of Paneeput,	....	1680	0	0	.....	3484	0	0
Moonsiff of Rohtuck,	....	0	0	0	.....	2134	0	0
Moonsiff of Hissar,	....	1680	0	0	.....	1003	14	0
Moonsiff of Noh,..	....	2181	12	7	.....	1394	0	0
Moonsiff of Sirsa,	....	1680	0	0	.....	647	0	0
		8819	9	4		17590	14	0

The Court have been gratified to observe, that an Act for the better administration of the Bhuttee Territory has been laid before the Legislative Council, and they trust, that before the close of the current year it may become Law, for the present system is favorable neither to the efficiency of the local Courts, which are too remote from Delhie to be under proper supervision, nor to the interests of the people, who are unable, for the same reason, to apply to the appellate Court for redress of their real or supposed grievances. As intimated in a preceding part of this Report, the adjustment of subordinate Civil Jurisdictions awaits the expression of Mr. Lindsay's opinion, the Court having deemed it proper, with reference to the probability of his return to the Delhie Judgeship, to afford him an opportunity of stating his views on the subject.

7. The records of this Judgeship from the commencement of 1843 are said to have been arranged in exact conformity with the plan, approved by the Court, by the unassisted agency of the fixed establishments, and without any other expense than that, incurred in the preparation of racks for the reception of the papers.

SEHARUNPORE.

8. The result of the past year's operations in this District is not unfavorably represented by the Tabular returns, which, while they shew an accession of 80 cases to the arrear on the general file, as compared with its condition at a corresponding period of 1844, shew also, that, as there were fewer suits by 203 before the several tribunals, so the decisions on trial and otherwise were

JUDGE.	
Headings, Nos. 1 to 14,..	230
" " 15 to 17,..	4685
	4915

Principal Sudder Ameens	
Headings, Nos. 1 to 14,	491
" " 15 to 17,	180
	671

less numerous by 263, facts, which cannot be said to reflect discredit on the several Officers concerned, who have all, with one exception, exceeded the fixed minimum of annual decisions, and would, there can be no doubt, have exhibited greater industry, had the income and condition of business in their Courts been such as to demand it. It may not be irrelevant to remark here, that the inequality, observable in the amount of business coming before the inferior Courts, is somewhat opposed to their general efficiency, and that the readjustment of their jurisdictions, which was proposed as the fitting remedy for this evil, was not carried into execution until after the re-opening of the Courts at the close of the Dusserah vacation: the consequence is that, though 1062 suits were disposed of by the Moonsiff of Shamlee, there were pending, when the year under report closed, no less than 433, or considerably more than ⅓ of the whole number (1161) that awaited decision in all the six tribunals of this grade. The arrear for the most part comprised cases of very recent institution, and of the 6 suits, which had been on the file for upwards of a year, according to the distribution given in the marginal note,* 3 had been remanded and the papers received within the months of November and December, while the disposal of the remainder, appertaining to the Courts of the Principal Sudder Ameen and Moonsiff of of Dehra Doon, was impeded by unavoidable delay in securing the service of process under Act XXVIII of 1840, for which of course no blame whatever can be ascribed to the local officer, who appears to have bestowed adequate attention on the particular cases in question; the Court took occasion, in their report for 1843, paragraph 34, to advert to the great difficulty experienced in conforming to the requirements of the Act cited, as interpreted by the Judges of the Supreme Court at Bombay and they would here add, in illustration of that difficulty, and in corroboration of their former opinion, that since the close of September no progress whatever has been uade in the cases above mentioned, owing to the failure hitherto to procure service of process, under the terms of the enactment referred to, on the defendants residing in Calcutta. In the miscellaneous department but one application for execution of Decree, of older date than the year under notice, awaited disposal, and the Moonsiff of Shamlee, before whom it was pending, did not escape blame for the needless delays apparent in his proceedings; on the whole, however, the Court are satisfied with the exertions of the officers, who compose the subordinate judicial agency of this District, and with the manner, in which Mr. Harvey, the officiating Judge, has supervised their official acts.

* Principal Sudder Ameen,	2
Principal Sudder Ameen Deyrah Doon	2
Moonsiff of Deyrah Doon,	2
	6

9. The Judge's Office was administered until the 18th April by Mr. W. H. Benson, on whose compulsory departure the Principal Sudder Ameen received charge of the current duties, and retained it until the 21st when Mr. G. F. Harvey relieved him, and continued to officiate as Judge until the close of the year under report. The quantity of business dispatched, comprehending the decision on trial of 246* Appeals, and the determination after investigation of the merits, of 145† cases under the first 14 headings of Statement No. 2, could hardly have been exceeded, with reference to the condition of the files, both regular and miscellaneous, which, when the year ended, comprised in the former department but 105 (32 less than at the close of 1844) and in the latter but 56 cases, requiring a final order; the marginal memorandum denotes the degree,

		Miscellaneous.		
	Regular.	*Headings.* 1 *to* 14.	*Headings,* 15 *to* 17.	
Mr. Benson,	32	55		1280
Mr. Harvey,	214	175		3404
Principal Sudder Ameen,	0	0		1
	*246	230		4685
Deduct struck off and transferred to other Courts,		85		311
Disposed of on merits,		†145		4374

in which each of the officers mentioned contributed to the disposal of this business and suggests no other remark, than, that the deficiency of Mr. Benson's performances must be presumed to have been caused by the ill health, to which during the period of his incumbency he was constantly subject, and by the reduced capability of exertion, thence resulting. Sittings were held on the Civil side for 168 days, and Sessions and Criminal duties occupied 81 days, less considerably than in 1844, when the attention of the Judge was thus engaged for 100 days. The Court know not, that the operations in this Court call for further remark, save, that the agency, provided by Regulation VI. of 1832 was not called into action, and that Mr. Harvey anticipates with confidence, that before the close of the year "Appeals will be brought on for hearing, as soon as the period of the prescribed notice to parties shall have elapsed," seeing, that, when he first received charge, "the cases at the head of the file were a year old" while at the end of December he was trying cases, instituted in the month of August. No Appeals from Mr. Harvey's decisions came before the Court during the past year.

10. Mahomed Hossein, the Principal Sudder Ameen of Seharunpore, resumed the duties of his office on the 1st February, having been compelled by severe illness to obtain an extension* of leave until the end of January: he passed decisions after trial on 169 original suits, his aid not having been required in the adjudication of Appeals, and left but 67 for future disposal, all but two of which were instituted within the year under report; while in the miscellaneous department the sufficiency of his industry is testified by the determination on their merits, of 262 miscellaneous cases under the first 14 headings of Statement No. 2, inclusive of 153 applications for execution of Decree, struck off after full or partial enforcement, and 81 Petitions of objection to orders passed in course of execution: the aspect of business in this Court was in every respect satisfactory, and though the Principal Sudder Ameen's decisions on regular suits are numerically small, and fall short of the prescribed standard, the Court cannot on that account withhold from this functionary the praise, which is due to his exemplary conduct, and to the promptitude and regularity, with which he would seem to have attended to the business, calling for decision at his hands—his services were not made available in the Magisterial department. Of the judicial ability of Mahomed Hossein and the integrity of his character the Court have every reason to think favorably, with advertence as well to the opinion of Mr. Lushington the late Judge of Seharunpore, as to that of the present incumbent Mr. Harvey, who bears testimony to his respectability, and adds, that "his decisions are most carefully made, and afford very general satisfaction;" this conclusion certainly receives corroboration from the result, with which appeals from his decisions were adjudicated, his judgment having been approved in 37 out of 46 cases, that underwent revision, no less than by the fact of only 45 appeals having been instituted to obtain reversal of his orders. Subordinate to the jurisdiction of the Seharunpore Court is another Officer, the Superintendent of Dehra Doon, who exercises the functions of a Principal Sudder Ameen, and who in that capacity disposed of 27 suits, besides deciding on trial 134 regular cases as Moonsiff, and carrying out 123 Decrees to execution, either full or partial, in both these capacities: the falling off in the quantity of work dispatched is plainly attributable to the diminished income of business, inasmuch as the files of both departments exhibit a decrease in the amount of depending arrear, as compared with its condition at the end of 1844; of the 134 regular suits, on which judgment was pronounced by Mr. Vansittart, as Moonsiff, 33 were tried exparte, and 39 were decreed on confession of judgment, the proportion of such decisions being considerably smaller, than that, which attracted attention, and elicited remark in the 13th paragraph of the last report. After the experience of the past three years the Court consider

* v. The Asst. Secretary's letter No. 203, dated 17th January 1845.

	As Princ. Sud. Ameen.				As Moonsiff.			
	Instituted.		*Disposed of.*		*Instituted.*		*Disposed of.*	
1844	29	..	22	..	268	..	287	
1845	24	..	27	..	254	..	255	

themselves warranted in the conclusion, that the judicial wants of this jurisdiction are adequately provided for by the existing agency, and that the project, once contemplated, of augmenting its strength may be, without apprehension of evil consequences, once for all abandoned. Mr. Vansittart would seem, so far as the Court have means of forming a judgment, to have discharged the difficult duties, delegated to him, with the zealous and conscientious attention, which elicited the good opinion of Mr. Lushington,* and it is therefore, matter for regret, that since the commencement of the present year he has been removed from a position, in which there seemed to be every probability of his acquiring honorable distinction. Mr. Vansittart's decision was upheld in 9 out of 12 cases, that were carried up in appeal to the local appellate tribunal. In reply to a question, recently proposed as to the competency of the Civil Court at Deyrah Doon to take cognizance of plaints ordinarily referrible to the Military Courts of Requests (which owing to the departure of the Sirmoor Battalion on service had ceased to assemble) the Court observed, that they had no authority to supersede the restrictive provisions of Regulation XX. of 1810, which are positive and unequivocal, and that, if Troops were still located in the cantonments of Landour and Deyrah Doon, the suits referred to could not be adjudicated in the Civil Court of the District—the inconvenience, arising from the want of Military Courts of Requests (a want, which it rested with the Government to make good) cannot be remedied by the infringement of an express legislative enactment.

* V. Para. 13 of Report for 1844.

11. Five cases, which came before the Sudder Dewanny Adawlut in regular appeal from the Principal Sudder Ameen's Court at Seharunpore, terminated, three in the confirmation of his order, and two in remand.

12. Exclusive of the Officer located in the Doon, there are five Moonsiffs attached to this Judgeship, and the adjustment of their jurisdictions, of which the completion was reported to you in my letter No. 1164, dated 3rd July 1845, left the numerical strength of this agency unaltered, but there still may be reason to doubt, whether it is adequate to the judicial wants of the District, seeing that, inclusive of those (1012) remaining over from 1844, there were 5069 suits pending before these five tribunals during the year under report, and of these no less than 1495 appertained to the Court at Shamilee. It is very creditable to the several Officers engaged, that their diligence has been commensurate with the necessity for its exertion, and that, aided by adventitious circumstances, they have succeeded in preventing the accumulation of an inconveniently large arrear: it is obvious, however, that, had not a very large proportion* of regular suits been struck off on default, adjusted and withdrawn, and a considerable number been disposed of exparte† and on confession‡ of judgment, the Moonsiffs could not have been able to contend successfully with the mass of business brought before them, and as it is, there may be ground to apprehend, that proper deliberation may in many cases have been sacrificed to the excusable desire of keeping pace in some measure with the income of work. These officers decided on trial 2017 regular cases, at an average of 403 to each, and carried out to complete or partial execution 1171 decretal orders, in the proportion of 547 to the former and 624 to the latter category; on the other hand no less than 1780 applications for execution of Decree were struck off without any portion of the Decree being carried into effect, on failure of the Decree-holder to proceed in the matter, and the details, contained in the Tabular returns, shew that of the 3608 cases, in which Petitions suing out execution were presented during the year, no more than half were newly instituted, 1528 having been "*re-admitted*" cases; if, therefore, the large proportion of applications, struck off on default, afford ground to apprehend the prevalence

* Struck off on default,	264
Adjusted or withdrawn,	1673
	1937
†	476
‡	652
	1128

of an erroneous practice, and suggest the expediency of a vigilant supervision being maintained by the Zillah Judge, it may be reasonably inferred from the large number of re-admissions, that Decree-holders are not deterred by the system in operation from reviving measures to secure the satisfaction of claims, adjudged to be equitable, and that, practically, the system in question is productive of no evil; in fact, no good purpose can be answered by retaining on the file cases of execution of Decree, when the parties have failed for a fixed and notified period to proceed in the matter, for, without their co-operation the Courts are helpless, and no expense whatever is involved in the revival of the application. Mr. Harvey, the Officiating Judge is endeavoring to obtain a classified return of the cases disposed of in the manner under notice, and promises to report on the result of his enquiries at the close of 1846; his proposal to punish the laches of a Decree-holder in one instance, by refusing execution on a subsequent occasion, unless he shall explain the cause of his first default, has been negatived by the Court, as calculated, if it were enforced, to produce much confusion, and to embarrass seriously the operations of the Courts. Reverting to the unequal distribution of labor in the Moonsiff's Courts of this District, the Court would fain hope, that the arrangement of jurisdictions, which took effect in November, may be the means of correcting it; otherwise, the necessity of either modifying that arrangement, or creating auxiliary agency may be anticipated.

13. In the marginal* memorandum is exhibited the issue of Appeals from the decisions of the Officers, whose performances have just undergone review, and a favorable opinion of their judicial qualifications may be justifiably deduced, conditionally of course on the exercise of a sound discretion on the part of the reviewing officer; as the character, given of all the incumbent Moonsiffs by one very competent to form a just opinion, was described at considerable length in the 12th paragraph of the last report, it may be sufficient to add, that Mr. Harvey expresses himself satisfied with their exertions, that an opportunity was found during the past year, of acknowledging the merit and rewarding the past services of Ameenooddeen Moonsiff of Shamilee by his elevation† to the superior grade, and that Mr. H. N. L. Berkeley, the Moonsiff of Seharunpore has, either on the ground of alleged sickness, or on some other pretext, been absent from his post during nearly the whole of the period under report: the Court are by no means satisfied, that Mr. Berkeley might not without prejudice to his health have rejoined his appointment much earlier than he did, on the contrary, they are induced to believe, that their indulgence has been abused, and they have on a recent occasion apprized Mr. Berkeley, that no further leave of absence will be granted to him.

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
* Sheik Ahmed, Moonsiff of Sirsawah,	23	17	6	26 · 08
Busheeroollah, Moonsiff of Deobund,	41	30	11	26 · 83
Ameenooddeen, Moonsiff of Shamilee,	49	35	14	25 · 57
Mahomed Yuheea, Moonsiff of Moozuffernugger,..	18	13	5	27 · 77
	131	95	36	27 · 48

† V. My letter No. 1088, dated 24th June.
Your reply No. 2849, dated 7th July 1845.

14. The following statement exhibits the expenditure on account of the inferior judicial establishments in this District during the past year, and the amount realized by the sale of Stamps, filed in the several Courts, the latter exceeding the former in the large sum of Rupees 13,905.

Moonsiffee.	*Cost of establishment.*		*Amount realized by sale of Stamps.*	
Seharunpore, ...	1680 0 0	....	3822 12 0	
Chilkanah (now Sirsawah,)	1680 0 0	....	4227 0 0	
Deobund, ...	2280 0 0	....	4587 8 0	
Shamilee, ...	2015 0 0	....	5240 8 0	
Moozuffernugger, ...	1680 0 0	....	3808 6 0	
Deyrah Dhoon, ...	0 0 0	....	1553 14 0	
	9335 0 0		23240 0 0	

In the correspondence noted marginally* will be found detailed the steps, taken by the Officiating Judge for the assortment and arrangement of the records of this Judgeship; while a temporary establishment was sanctioned for the purpose of aiding in the work, and the expenditure of Rs. 500 in the preparation of racks was authorized, the destruction of all records up to the end of 1832 of the nature described in Circular Order, No. 81, dated 1st February 1833, and in the list annexed to Circular Order, Sudder Dewanny Adawlut, Lower Provinces, No. 112, dated 1st August 1834, after observance of the precautions customary in such cases, was directed, an exception being made in favor of all records, relating to suits for real or landed property, and to appeals from the decisions of the Moonsiffs in such cases; Mr. Harvey was further desired to take the plan approved by the Court and circulated under date the 20th January 1843, as his model in the re-adjustment of the records of this Judgeship, and was advised, in destroying the papers, to follow the system subsequently prescribed for general adoption in the Court's Circular Order, No. 1210, dated 14th July 1845; the work is reported to have been progressing satisfactorily, and the Officiating Judge hopes to report its completion shortly. An illegal practice, found to prevail throughout this jurisdiction, of requiring "*Dukhlnamehs*" to be engrossed on Stamped paper, was brought to notice by Mr. Harvey during the year, and was prohibited by the Court, with adverteace to the rule determined by Construction No. 870; a few other irregularities, relating to the calculation of Ameen's fees, were likewise corrected, but it is needless to trouble the Government with any details, or with any further remarks on the past year's administration, which has been on the whole successfully and creditably conducted.

* My letter No. 1158, dated 2d July 1845, Your reply No. 3014, A. dated 17th Idem.

MEERUT.

15. The Court, adverting to the interruptions occasioned by numerous changes of incumbency in the Civil Courts of this district during the past year, to the heavy pressure of Criminal business, and the late period at which relief was afforded by the appointment of an additional Judge, to Mr. Begbie's occupation as Special Commissioner under Regulation III. of 1828, and to his compulsory absence for the period of a month on account of severe illness, as well as to other circumstances which will be hereafter more particularly noticed, cannot but regard it as a somewhat fortunate contingency, that, while the number of suits instituted in the several tribunals of this jurisdiction was smaller by 492, the business before the Courts was likewise smaller by 723 suits than in the year 1844, during which, though intermissions of official labor necessarily occurred, the constituted judicial agency was in more steady and continuous exercise than can be said to

JUDGE.

Headings, Nos. 1 to 14	255	
" " 15 to 17	2946	
		3201

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14	461	
" " 15 to 17	1	
		462

have been the case during the period under report. It is no matter of astonishment, therefore, that there has been a falling off in the number of decisions on trial to the extent of 470; on the contrary, there is room for congratulation in the fact that a reduction of 343 cases in the amount of the depending arrear has been accomplished, thus shewing that the industry of all the officers engaged has been exerted in a measure, fully equal to the dispatch of all the business brought before them, and in the further testimony borne to their zealous application by the character and condition of the arrear in question. Of the 1114 suits, which composed it, no more than 10, according to the distribution given in the margin,* were of older date than the year under report, while of these, 2 were decided in January 1846, and the remaining 8, which had all been remanded by the superior Courts for re-investigation and re-trial either in September or December 1845, could not, consistently with the due observance of legal requirements, have been ready for adjudication, when the year terminated; it is of course almost superfluous to add in regard to these cases, that in examining the detailed recital of proceedings, held in them, no reason was found for the ascription of remissness or irregularity to the functionaries, before whom they were pending, and that the state of the general file in the regular as well as in the miscellaneous department, which shewed but 2 cases of longer standing than a year, is thought by the Court to reflect much credit on the subordinate judicial authorities, and to entitle Mr. A. W. Begbie to the acknowledgments of the Court for the care and vigilance, with which he has supervised their official acts, and the energy, with which he has overcome all the obstacles, that were opposed to the exhibition of successful results at the close of the period under notice.

* ORIGINAL SUITS.

1844.

Sudder Ameen, ...	1	1
Moonsiff of Meerut, ..	3	3
Moonsiff of Hauper, ..	1	1
Moonsiff of Secundrabad,	1	1
Moonsiff of Boolundshehur,	2	2
Moonsiff of Sirdhana, ..	1	1

APPEALS.

Judge, ... 1 of 1843, ..	1
	10

16. In the 18th paragraph of the Civil Report for 1844, allusion was made to Mr. Begbie's remonstrance regarding the delegation to him of the Special Commissioner's duties on the abolition of that appointment, and to the unsuccessful attempt of the Court to get him relieved from the embarrassment, which an undue pressure of work always occasions, and an exposition of the effects produced by the denial of auxiliary agency was reserved for the period, when the operations of the year 1845 should come under review. The Court are glad to observe, that the results, which might have been anticipated, have not ensued, for though the Judge's Court may be said to have been virtually closed for nearly five months under the circumstances, reported in the enclosure of my letter No. 1595, dated 12th September, and though Mr. Begbie was enabled to devote only 84 days† to the dispatch of Civil business, 145 having been occupied in the hearing of Sessions trials, Criminal Appeals, and Appeals under Regulation III. of 1828, he has succeeded, with the zealous and efficient aid of the Officers, who presided in the Principal Sudder Ameen's Court, in disencumbering his files of all arrears, whether regular or miscellaneous, and in maintaining unimpaired the reputation for personal assiduity and judicial efficiency, which he has deservedly acquired. His performances comprehended the decision on trial of 109 Appeals from the decisions of the Lower Courts, and the disposal, after investigation of the merits, of 200 miscellaneous cases under the first 14 headings of Statement No. 2, besides 2890 orders passed on the various matters, appertaining to the remaining headings of the same return; the work, thus dispatched, falls short of that accomplished in 1844, it is true, and that relating to the regular department is not equivalent to the prescribed standard, but there can be no reason to com-

† Mr. Begbie was indisposed and absent on leave for 47 days.

plain, when it is found that the regular file, when the year ended, exhibited only 102 cases (59 less than at the end of 1844), awaiting future decision, and that little, unsusceptible of early decision, remained pending in the miscellaneous department. It is, however, needless to attempt concealing, that to the timely aid, accorded by Government in the appointment* of an Additional Sessions Judge towards the close of the year, the satisfactory aspect of business, as represented above, is to be attributed, and that, had this assistance been withheld, a large and inconvenient arrear would have accrued, without discredit certainly to Mr. Begbie, but not without detriment, it may be presumed, to the interests of the litigant community and the character of the administration. The Court have further to add, in regard to the proceedings of Mr. Begbie in his supervising capacity, that during the past year the requisitions of the Civil Courts, relating to execution of Decrees, have met with more prompt attention and more speedy fulfilment at the hands of the Collector of Meerut, than in 1844, when, as the Government are aware, the Court "deemed it proper to bring under consideration the question, whether the power of coercion and reproof did not under the Regulations rest immediately and directly with the Sudder Dewanny Adawlut rather than with the Sudder Board of Revenue," a question, which was never brought to a definitive issue, and which the Court, in deference to the wishes of the Hon'ble the Lieutenant Governor, North Western Provinces, have consented to abandon the discussion of, though by no means satisfied that the Law is conclusive on the subject; there is the less reason to regret, that this discussion should have been interrupted since intermediately a Legislative enactment, designed to provide for the better execution of decretal orders, has appeared, and afforded the Court an opportunity of proposing subsidiary rules, having the same object in view, for the approval of the Supreme Government. No cases were decided in the Zillah Court with the aid of the agency permitted by Regulation VI. of 1832, to the more extended operation of which the reluctance of Native litigants, generally, to accept the arbitration of their countrymen is thought by Mr. Begbie to contribute.

* My letter No. 1595, dated 12th Sept. } 1845.
Your reply No. 10, A. dated 10th Nov. }

17. Under the orders of Government communicated in your letter No. 1980, dated 10th May 1845, Nuwab Abdoolah Khan the Principal Sudder Ameen of Meerut obtained leave of absence for a period of 3 months—subsequently extended to 5 months† on medical certificate, and in pursuance of the Court's recommendation Mr. Begbie's nomination of Baboo Shama Churn Banerjea, Officiating Sudder Ameen and Moonsiff of Meerut, to Officiate in the place of the absentee was approved, the contemplated absence of the incumbent being too short to admit of any preferable arrangement being made; the Baboo, however, has indicated the justness of Mr. Begbie's favorable opinion, and the propriety of his selection, by the zeal, intelligence and ability which he has exhibited in the discharge of the arduous, novel and responsible duties, that unexpectedly devolved upon him. In this Court, administered by the functionaries named, 265 regular suits, of which 72 were original and 193 Appeals from the decisions of the Sudder Ameens and Moonsiffs, were determined on trial, and 462 miscellaneous cases, comprising the complete or partial execution of 155 decrees, and the disposal of 126 cases of objections, were brought to conclusion; the degree in which each of the Officers above named participated in the dispatch of this business is noted in the margin,‡ and it is thought by the Court to be creditable to both, that a very considerable reduction has been effected in the arrear of the miscellaneous file, as compared with its condition at the end of 1844, and that efficient aid was rendered by them in the adjudication of Appeals at a time, when the Judge

† My Docket No. 1453, dated 21st August,
Your reply No. 3671 dated 29th Idem.

‡ REGULAR SUITS.

Nuwab Abdoolah Khan, ...	152
Baboo Shama Churn, ...	113
	265

MISCELLANEOUS CASES.	
Nuwab Abdoollah Khan, ...	244
Baboo Shama Churn, ...	207
	451
Deduct struck off, ...	173
Decided by order on the merits,	278

was precluded by the pressing nature of his other avocations from giving his attention to that branch of duty; the only regular suit, instituted before the beginning of the year to which these remarks relate, was decided on the 16th January of this year, and the one case of execution of Decree, similarly protracted in its duration, was prolonged by no fault of the functionaries, whose labors have just been reviewed. In the absence of any actually expressed opinion, on Mr. Begbie's part, the Court are again constrained to form a judgment of the Principal Sudder Ameen's judicial capacity on the result of Appeals from his decisions, of which 22 underwent revision; if it be thought favorable to Nuwab Abdoollah Khan's judgment, that in 15 cases or more than 68 per cent, no reason was found for interfering with his order, the fact of only 9 Appeals having been preferred during the past year may be taken as an indication of the satisfaction, generally, with which his decisions are received, and a creditable symptom of the estimation, in which he is held by the native community; of 11 Appeals, instituted to obtain reversal of decisions, passed by Baboo Shama Churn in the capacity of Principal Sudder Ameen, none were brought to a hearing before the period under report came to a termination. The services of these functionaries were not availed of by the Magistrate.

18. The Sudder Dewanny Adawlut, in disposing of 4 special Appeals from the Judge's Court, confirmed Mr. Begbie's order in one, reversed it in two cases, and sent back the remaining one by remand for re-investigation or re-trial; while out of 7 Appeals (2 regular and 5 special) from the decisions of Nawab Abdoollah Khan, Principal Sudder Ameen, one only terminated in the affirmation of his judgment, one was adjusted and the other 5 were all remanded.

19. The office of Sudder Ameen was vicariously administered throughout the year under report; until the 22d May, by Baboo Shama Churn Banerjea, and subsequently by Mr. V. Berkeley, the Moonsiff of Boolundshehur, who in the year 1844 received honorable mention in the Judge's report, and was under the orders of Government conveyed in your letter, No. 3188, dated 26th July last, advanced to the superior grade of Moonsiffs, in compliance with the recommendation of the Court, who were induced to form a favorable opinion of his industry and judgment, and were satisfied of his probity and his impartiality in discharging his judicial functions. In this tribunal 192* original suits were determined on trial, 140 more having been otherwise disposed of, and when 1845 ended, the depending arrear consisted of 65 cases, or 35 less than at a corresponding period of the preceding year, while in the miscellaneous department 463 cases of all descriptions were disposed of, 302, inclusive of 201 decrees either fully or partially enforced, having had orders passed on their merits, and the remainder having been struck off the file for default or other sufficient reason. It will thus be seen that the quantity of business, dispatched in this Court during the past year, considerably exceeded that, which was brought to conclusion in 1844, when its efficiency was, so to speak, paralyzed by the incompetency of the late incumbent Abdool Wahid Khan, and by the changes, which were, subsequently to his retirement, necessitated by the exigencies of the service, and it may be presumed, from the satisfactory state of the files at the end of the year, that nothing capable of disposal, remained undisposed of. Such remarks, as the Court may have to make in regard to the official qualifications of Mr. V. Berkeley, will find a more appropriate place in a succeeding part of this report, which shall treat of his performances as Moonsiff;

* NOTE.—The following memorandum shews the share taken by Baboo Shama Churn Banerjea and Mr. V. Berkeley in the dispatch of the business described in the text.

	Regular.	*Miscellaneous.*
Baboo Shama Churn Banerjea.	133	305
Mr. V. Berkeley, ...	59	158
	192	463

but few Appeals from his orders, as Sudder Ameen, came to hearing before the period under notice closed. In regard to Baboo Shama Churn Banerjea it may be sufficient to observe that the Court have endeavoured to mark their sense of his merit by recommending him for promotion* to the superior grade of Moonsiffs, and more recently by selecting and nominating him to officiate as Sudder Ameen of Goorgaon, where there is every reason to expect he will maintain unblemished the fair reputation, which he has acquired by praiseworthy conduct, and the exhibition of good judgment in the performance of his judicial duty: of 20 Appeals, that were tried from decisions, passed by him in the various capacities of Principal Sudder Ameen, Sudder Ameen and Moonsiff, only 7 (35 per cent) terminated in the reversal or modification of his judgment, but it is proper to add that, whatever may be thought of this result, the small proportion borne by Appeals instituted within the year to cases determined on trial (as exhibited in the margin†) clearly denotes the care, bestowed upon the investigation, and the discrimination exercised in the decision of the questions, submitted to his adjudication.

* V. my letter No. 1051, dated 16th June 1845.
Your reply No. 2759, dated 30th Idem.

† Decided on trial, 247
Appeals Instituted, 46

20. As reported for the information of Government in my letter, No. 1164, dated 3rd July 1845, the adjustment of the subordinate Civil jurisdictions was completed, during the past year, in communication with the Judge of Seharunpore, who was required to make arrangements for the annexation of certain tracts, formerly belonging to the Meerut Moonsiffee, to the jurisdiction of the tribunal located at Moozuffernugger, but this revision left the number of the Moonsiff's Courts, subordinate to the Judgeship of Meerut, unaltered; it was found advisable, however, to remove 4 out of the 7 Courts to more centrical places, and to change the designation of the several officers accordingly; the new arrangement was brought into operation on the re-opening of the Courts after the Dusserah Vacation, and it is not possible at present, considering the temporary impediments thrown in the way of business by such changes, to predict with any approach to certainty the result of the measure, but Mr. Begbie sees ground to apprehend that some inequality in the income of business may be the consequence, and promises, should the experience of the current year confirm this supposition, to suggest such steps as may appear best fitted to remedy the evil. What with these changes, the resignation‡ of the Moonsiff of Hauper, the temporary employment of the Moonsiffs of Meerut and Boolundshehur in a superior office, the death of the Moonsiff of Puhasoo, and the suspension of the Moonsiffs of Sirdhana and Sekundrabad towards the close of the year, the interruptions to the transaction of business have been unprecedentedly great, but they have been in a measure counteracted by the large decrease in the income of suits, and the commendable activity of the several functionaries employed, to whom the condition of the files at the close of the year must be pronounced creditable. These Officers passed decisions after trial on 2270 regular suits (420 less than in 1844), and gave orders on the merits of 2512 miscellaneous cases of all descriptions, inclusive of 2118 applications for execution of Decree struck off after full or partial enforcement, in the proportion of 840 to the former, and 1278 to the latter category; an amount of work, which, though it fall short of that effected in 1844, would seem to have been fully commensurate with that, brought before the Courts, and may be taken, in conjunction with the fact of diminished arrear in both departments, as evidence of zealous and industrious application. There were no miscellaneous cases, of longer standing than a year, awaiting decision in these Courts, and of the 7 regular suits in that condition it has been noted, that their protraction was attributable to circumstances beyond the control of the Officers, before whom they were pending. Of the 2270 suits, marked as having been determined on trial, 605 were tried exparte, and 909 were decreed on confession of judgment, the two items

‡ V. para: 23 of last report.

constituting together a proportion of 66·69 per cent to the aggregate number tried, which approximates very closely to the ratio, that the detailed returns for 1844 exhibited; Mr. Begbie, in commenting on these particulars, repeats the opinions, expressed by him in his report for 1844, to the effect, that while the large number of exparte decisions favors the presumption, that the rules regarding service of notice on defendants are fraudulently evaded by plaintiffs in our Courts, many of those suits decreed on confession of judgment are collusive, and a large proportion of those* dismissed on default, adjusted or withdrawn, are litigious and groundless.

* 2455 were thus disposed of in the Moonsiffs' Courts.

21. In the marginal extract from the Appeal Statement is exhibited the aggregate number of Appeals from the Moonsiffs' Courts, adjudicated by the Judge and Principal Sudder Ameen prior to the expiry of the year 1845, but it would be unprofitable to comment on the general result, with which they were attended, seeing that many of the functionaries, whose decisions were thus subjected to revision, have been removed by death, resignation or dismissal from the judicial department, and that their successors have been in office for too short a period to admit of any satisfactory conclusions, in regard to their judicial qualifications, being deduced from the issue of the few Appeals, that went to decision from their orders. It should be observed, nevertheless, as conveying a favorable impression of the judicial capacity of Mahomed Buksh, Moonsiff of Debhae (quondam Puhasoo), that his judgment was suffered to stand unaltered in 14 out of 19 cases, that were brought before the Local Appellate Court, and that Appeals instituted within the year bear a proportion of only 7 per cent to the number of his decisions—facts, that reflect credit on this Officer, who is very young in judicial service and experience; in regard to Mr. Berkeley, who in one capacity or another was attached to this District throughout the period under notice, the Court regret to remark, that he has not maintained the position he occupied in 1844, and that the review of his labors is pronounced by Mr. Begbie to be far from satisfactory; this opinion is too truly corroborated by the Appeal statement, which shews that his orders were appealed in the proportion of 35·50 per cent, and that of 60 regular decisions, which underwent revision, 21 or a proportion of 35 per cent were reversed or modified, while of his performances in the miscellaneous department a still more unfavorable impression is received from the Judge's comments, and the data, on which they are founded; the Court are reluctant, nevertheless to recal the opinion, which they have expressed of this Officer's character, being persuaded of his integrity, and his anxious desire to discharge his duties creditably and conscientiously, and they will therefore hope, that Mr. Berkeley will endeavor during the present year to recover the high place, which he once held in the estimation of his superior, and to vindicate his title to the promotion, which, in the full conviction of his merit, was during the past year conferred upon him. Since the close of the year 1845, two Officers of this grade, Runjeet Singh of Sirdhana (quondam Khetowlee) and Kunhya Loll of Sikundrabad (quondam Soorujpore) have been dismissed from the judicial service under the provisions of Section 26, Regulation V. of 1831, their notorious disrepute being, in the estimation of the Court, a complete disqualification, and it is hoped that the penalty thus inflicted may operate as a salutary example to others; although this measure was recommended by the Commissioner of the Division and the Judge jointly so far back as October 1845, it was not until the month of February, that it was carried into effect, the interval having been occupied under the direction of the Court in the prosecution of a detailed enquiry into the character and past conduct of those Officers, an enquiry, which was conducted by Mr. Begbie with commendable patience, and impartiality,

	Tried	*Confirmed.*	*Reversed or modified.*	*Percentage or reversals.*
By Judge,.....	75	52	23	30·66
By Prinl. Sud. Ameen,	175	111	64	36·58
	250	163	87	34·80

and terminated in fully satisfying the Court of the propriety of dispensing with their services, though they stood convicted of no specific offence: with every disposition to respect the deliberate opinion of the Commissioner and the Judge, the Court were reluctant to adjudge the extreme penalty of dismissal, until a full investigation should satisfy them of its unquestionable justice and expediency, being apprehensive, that, if on the faith of a rumor, however universally credited, but unsupported by a single established fact, two judicial functionaries were removed from office, others might be deterred from an upright and independent discharge of their duties by the dread of rendering themselves obnoxious to the resentment of suiters or the retainers of their Courts, and incurring the heavy penalty of a disrepute, having possibly no other foundation, than the malicious misrepresentation of a dissatisfied litigant, a designing official, or a disappointed candidate for public employment; these consequences have been, the Court would fain hope, obviated by Mr. Begbie's laborious investigation, at the same time, that under the sanction of the Law two worthless individuals have been expelled from a service, which, whatever its character may be, *should* not be distinguished for the "venality and corruption" of its members.

22. The following comparative Statement shews that the actual expense, incurred by Government in the maintenance of the judicial establishments of this District, has been more than counterbalanced by the revenue, realized by the sale of Stamps filed in the several Courts.

Moonsiffee.	*Cost of establishment and Moonsiff's Salary.*			*Amount realized by Sale of Stamps.*		
Moonsiff of Meerut, ...	1823	12	5	....	3108	0 0
Ditto of Hauper, ...	1803	13	11	....	3396	0 0
Ditto of Sekundrabad, ...	1542	8	0	....	2320	0 0
Ditto of Boolundshehur, ..	1843	6	8	....	2487	0 0
Ditto of Debaee	1921	12	6	....	1519	6 0
Ditto of Sirdhana, ...	1542	8	0	....	2774	8 0
Ditto of Dasna, ...	1680	0	0	....	2480	4 0
Rs.	12157	13	6	....	18085	2 0

The Court are glad to find from Mr. Begbie's report, that the Magistrate of Meerut is engaged in removing to his own office the records, appertaining to his department, which were mentioned in the 24th paragraph of the Court's Report for 1844, as being deposited in the Judge's Kutcherree, and that the vacation of the apartments thus occupied will place it in the power of the Judge to improve the arrangement of his own papers. Extract (para. 31) from Mr. Begbie's letter, which represents the great augmentation of labor, caused by the Circular Order of the Accountant, North Western Provinces, regarding judicial deposits, has been forwarded to the Accountant for his consideration, and for such orders as he may think proper to issue; the trouble, which the complicated system prescribed occasions, is known to be great, but it seems very questionable whether the precautions against embezzlement can be safely dispensed with, another instance, similar to that in which the Circular Order in question originated, having been but recently brought to the Court's notice. There is no other matter, touched upon in Mr. Begbie's satisfactory report, which calls for special notice.

ALLYGURH.

23. The Statements from this District shew, that, though, during the past year 829 more suits were instituted, and the business before the Courts, inclusive of the arrear remaining over from 1844, was larger by 1082 cases, than in the period last mentioned, the decisions on trial were at the same time more numerous by 841, and those, otherwise finally disposed of also more numerous by 403, so that, when 1845 closed, the arrear on the general file was smaller by 162 cases than at a corresponding period of 1844; it should be added, that this arrear comprised no original Suit or Appeal of longer standing than a twelve month, and that the condition of the miscellaneous file was equally satisfactory in this respect, results, which are thought to reflect credit on the diligence of the Uncovenanted Judicial Officers, and the care and efficiency, with which Mr. Tierney the Judge has latterly exercised his controlling authority. This state of things is in favorable contrast with that, represented in the 26th paragraph of the Court's Report for 1844, and that it will be maintained the Court have every reason from the experience of the past year to expect, the strength of the agency having been increased by the appointment of a Sudder Ameen in August last, and the importance of a close supervision over the acts of the subordinate officers having been practically recognized by Mr. Tierney, with whose remissness in this respect the Judge of this Court, who revised the periodical statements from this District, saw ground on one occasion to find fault; it is only just to Mr. Tierney to add, that no sooner was the defect pointed out, than it was corrected, and that, ever since, his attention has been unremitting, as his personal assiduity has been exemplary: the results are apparent in the successful issue of the past year's operations.

JUDGE.	
Headings, Nos. 1 to 14	332
,, ,, 15 to 17	6086
	6418

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14	726
,, ,, 15 to 17	634
	1360

24. Mr. Tierney, who held the office of Judge throughout the year without any intermission, sat on the Civil side for 194 days, (being occupied for 56 in the hearing of Sessions trials and Criminal Appeals) and decided on trial 201 regular Appeals without having recourse to Regulation VI. of 1832, besides disposing of 42 cases as Special Commissioner under Regulation III. of 1828: his work in the miscellaneous department comprised the investigation and decision of 296 cases, under the first 14 headings of Statement No. 2, consisting chiefly of Petitions of Summary Appeal, Petitions of Appeal under Regulation VII. of 1825, and of miscellaneous and interlocutory Appeals, all of which require time, and the exercise of a good discretion in their disposal, and as might have been expected, the arrear on his file was composed principally of these Appeals; their number seemed to the Court on a recent reviewal of the periodical statements (for January 1846) so considerable, and the importance of reducing it so urgent, that the Judge was advised to give his undivided attention to this object, and empowered to make over as many of the pending regular Appeals as possible to the Principal Sudder Ameen for hearing and decision. The services of this Officer, Vilayat Alee Khan by name, would seem to have been judiciously availed of and directed during the past year, and the diligence, with which he has performed the duties entrusted to him, is considered by the Judge to entitle him to commendation: decisions were passed by him after trial on 302 regular suits, of which 166 were original and 136 Appeals, and in the miscellaneous department, 365 cases were investigated and determined, under headings 1 to 14 of the Statement No. 2, a considerable reduction of the pending arrear having been effected in both branches of work: of 246 applications for execution of Decree, included in the latter item, 85 were struck off after full, and 161 after partial, settlement of the adjudged claim. That the quantity of business, dispatched, exceeds what was accomplished in 1844, may be ascribed, without detracting from the

credit due to Vilayat Alee Khan, to his uninterrupted incumbency during the past year, and to the relief, afforded by the appointment of a Sudder Ameen, to whom all suits, legally cognizable by him, and all miscellaneous cases, properly transferrible to his Court, were immediately made over. Early in the year under notice it fell to the Judge of this Court, on whom the duty of examining the periodical returns devolved, to animadvert with some severity on the proceedings of this Officer, as exhibiting much culpable remissness, and not a little disregard of the established practice of the Courts, and there is ground to believe, that the remarks, then communicated, have not been without their effect. for latterly the delays and irregularities, which then attracted notice, have not been apparent, and the satisfactory state of the Principal Sudder Ameen's files seems to warrant the presumption, that care has been taken to avoid them. Mr. Tierney, in commenting on the qualifications of this Officer, admits, that the reversal of his order in 15 out of 28 cases, that were carried up in Appeal, cannot be deemed favorable, but states at the same time, that his proceedings shew no want either of care or patience, and that the fewness of Appeals preferred, as compared with the number of his decisions, taken together with the facility for appealing given by the immediate proximity of the appellate Court, should be received as proof of the satisfaction, which his judgments afford "to a large portion of litigants in his Court:" the Court cannot altogether subscribe to this opinion, seeing that of the 166 original suits (and these only are appealable to the Judge) decided on trial, 42 were tried exparte, and 46 were decreed on confession of judgment, and that, if these be deducted as rarely furnishing sufficient ground for Appeal, 78 orders, passed in contested suits, will remain: the number of Appeals, instituted within the year was 46, and yields a proportion of more than 58 per cent; of those tried, the issue has been above described, and the inferences deducible therefrom can hardly be thought subject to qualification by reference to the proportion of Appeals, preferred, to the number of judgments pronounced. The Principal Sudder Ameen performed no Magisterial duty.

25. Of 3 Special Appeals, heard by the Sudder Dewanny Adawlut from the Judge's Court, two ended in the reversal of Mr. Tierney's order, and the other in the case being remanded, while out of 4 decisions, passed by the Principal Sudder Ameen, Vilayat Alee Khan, which were revised by the Court in regular Appeal, 2 were confirmed, 1 was reversed and the fourth case was adjusted.

26. In pursuance of his appointment* as Sudder Ameen, Mahomed Qasim joined this District on the 20th August, and continued to act in that capacity until the close of the year, with the interruption only of the usual adjournment of the Civil Courts during the Dusserah vacation. He decided on trial 66 regular suits, dismissing 7 on default, and allowing 9 others to be adjusted or withdrawn, and left 61 undisposed of at the close of the year, while in the miscellaneous branch of work he passed orders on the merits of 143 cases, inclusive of 52 applications for execution of decree, which were struck off after full or partial enforcement. The employment of this Officer in the Allygurh District has certainly been useful in relieving the Principal Sudder Ameen's regular and miscellaneous files, and enabling him to give his aid in the trial of Appeals, but whether or not it will be necessary to maintain this office, when the pressure of work in the superior local Courts shall have been in part removed by the transfer of the Ryah and Juleysur Moonsiffees to the jurisdiction of the Agra Court, cannot be with any approach to certainty stated, until that measure shall have been carried into execution; the circumstances, which have hitherto prevented this are already before the Government in the Report for 1844, and are only adverted to in this place, with the view of reporting, that the obstacle no longer exists, and that the best mode of effecting the proposed transfer is now (20th May) under consideration. The Judge argues that

* v. Your letter No. 2731, dated 28th June 1845.
My Reply No. 1203, dated 8th. July.
Your letter No. 3169, dated 25th idem.

as no appeals were* brought within the year under review to obtain reversal of the Sudder Ameen's decisions, "the fairness and correctness of his judgments" must be presumed; but surely this conclusion is rather premature, seeing that the Courts were open for about 3½ months only, subsequent to Mahomed Qasim's appointment, and that of the 66 cases, nominally determined on trial, 17 were tried exparte, and 18 were decreed on confession of judgment, thus leaving no more than 31 decisions, passed in contested suits, and therefore likely to be called in question in the Appellate Court. Mr. Tierney, however, is enabled, by an examination of such Appeals as have come before him since the beginning of the present year, to express a good opinion of the Sudder Ameen's judgment, and to certify, that the cases, submitted to his adjudication, are patiently investigated.

27. During the period under report the seven Moonsiff's Courts, subordinate to this Judgeship, were in active operation, and the details, exhibited on the Tabular Statements, bear ample testimony to their industry: the large increase in the quantity of business instituted, called for, and received increased exertion, 3097 regular suits having been decided on trial, as compared with 2409 in 1844, and the amount of pending arrear having been reduced from 809 at the beginning, to 683 at the close of 1845; as noticed in the last report, the proportion of cases decided exparte* and on confession of judgment† is large, but the Judge repeats his assurance, that in the former no legal requirement is unobserved, and in the latter no means of preventing fraud is neglected, adding, that the only instance of collusion, detected during the year, was made the subject of a criminal prosecution in the Magistrate's Court. The diligence of Mooftee Inayut Ahmed, the circumstances of whose appointment are mentioned in the 31st paragraph of the Court's report for 1844, seem to call for special notice; he finally disposed of 1390 regular suits by passing decision, after trial, on 876, by the dismissal of 48 on default, and by the amicable adjustment or withdrawal of 466, while in the miscellaneous department his activity is equally remarkable, effect, either full or partial, having been given to 403, out of 1628 decrees, of which execution was sued out in all the seven Courts under notice; on this account, as well as on the ground of the Mooftee's judicial capacity, Mr. Tierney recommends his advancement to the higher grade of Moonsiffs, and the Court will be prepared, on opportunity offering, to give a favorable consideration to his claims. Inclusive of the 1628 applications for enforcement of decrees, above mentioned, there were 2678 miscellaneous cases, disposed of by order on the merits in these Courts, and, while 1782 other Petitions, presented with the same object, were struck off owing to the failure of the Decree-holders to proceed in the matter, 1504, it should be observed, of the 3599 applications made within the year, were re-admitted cases, a fact, which proves that the system pursued, while it keeps the files unencumbered, presents no bar to parties, desirous of procuring an adjustment of their rightful claims.

* 710
† 1537
2247

28. Following the plan adopted in the report for 1844, the Court desire me to exhibit in the margin the result of appeals from the decisions of incumbent Moonsiffs, and so to arrange the details as to shew the proportion of each individual's decisions confirmed and reversed, without

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
Moobaruzooddeen, Moonsiff of Khyr,	23	6	17	73·91
Goolam Ghose, Moonsiff of Kasgunge, late of Hatrass,	60	35	25	41·66
Aleerooza, Moonsiff of Hatrass, late of Ryah,	42	26	16	38·09
Zeeaooddeen, Moonsiff of Atrowlee,	28	14	14	50·00
Mooftee Inayut Ahmed, Moonsiff of Coel,	85	48	37	43·52
Subbeeooddeen, Moonsiff of Juleisur,	6	3	3	50·00
Maheeooddeen, Moonsiff of Ryah,	29	15	14	48·27
	273	147	126	46·15
By Judge,	145	77	68	47·58
By Principal Sudder Ameen,	128	70	58	45·31

* Note.—This does not tally with the Tabular statements, which shew that 11 appeals were admitted; it is presumed that they were from orders passed by the Principal Sudder Ameen in the inferior capacity of Sudder Ameen.

reference to jurisdiction. The issue, as a whole, is certainly unfavorable, and the Court cannot attach much weight to the argument on the other side, which the Judge endeavours to found on the comparative fewness of Appeals preferred, as evidencing the satisfaction of the people with the decisions of the Moonsiffs, for his calculations are based on the aggregate number of "decisions on trial," and not, as they should be, on the number of judgments passed in *contested* suits, excluding those tried exparte and on confession of judgment; it is right, however, to mention in regard to Inayet Ahmed that 12 of the 37 orders, reversed, were so dealt with on account of informality only, and that out of 47 decisions, pronounced by Mobaruzoodeen, which were upset in Appeal, 10 were founded on the same cause of action, and should therefore be computed as one, in the light in which we are now regarding them, while in 3 other cases his judgment was over-ruled owing to informality in the reception and record of evidence: the opinion, derivable from the large proportion of reversals in the case of other Moonsiffs is similarly liable to some qualification, but not in such degree as to merit particular notice. Of the two officers Moheeooddeen and Subbeeooddeen, who at the date of the last report were very young in judicial service, Mr. Tierney seems to think favorably, ascribing their errors rather to inexperience, than to any want of proper research, and deliberation. On the whole, it seems to the Court that the inferior judicial agency of this district is efficient, whether its numerical strength or the qualifications of its members be considered, and the Court have a confident hope, that they will need no other encouragement, than a proper regard to their own character and their future prospects provide, to persevere in the course of honest industry, which has called forth this expression of the Court's approbation.

29. The revenue, realized by the sale of Stamps filed in the Moonsiff's Courts of this District, exceeds the expense incurred by Government in maintaining them, by rupees 3512-14-0, which in the opinion of Mr. Tierney, as of every other Judge, who has adverted to the subject, should be applied to the provision of a larger and a better paid ministerial establishment in those Courts; Mr. Tierney states, that the labor falling on the Mohurrirs of these Officers is so great, "as to induce the Moonsiffs not infrequently to employ writers, enrolled as Peons," and that "the Moonsiff of Coel is obliged to entertain out of his own pay one additional Mohurrir," and he adds "it is not improbable that the exertions of Moonsiffs may be somewhat checked by the inability of the establishment to carry through the work, which might otherwise be done;" the Court are quite satisfied, that these representations are not exaggerated, and that these shifts, unauthorized though they be, are not peculiar to Allygurh, being, more or less, resorted to in almost every District of the North Western Provinces: the Court have again and again remonstrated, but they consider it their duty to importune Government without ceasing until this great reproach shall be removed: the evil is too self-evident to require any argument to prove either its existence or its influence. The usual Statement follows.

Moonsiffee.	*Cost of Establishment.*				*Amount realized by Sale of Stamps.*		
Khyr, ...	2280	0	0	.....	2300	10	0
Hatras, ...	2280	0	0	.....	2637	0	0
Kasgunje, ...	1680	0	0	.....	2281	0	0
Atrowlee	1680	0	0	.....	1351	10	0
Coel, ...	1680	0	0	.....	3569	4	0
Juleysur	1670	0	0	.....	1772	10	0
Ryah	1680	0	0	.....	2550	12	0
	12950	0	0		16462	14	0

A reference to the 26th paragraph of the Judge's letter will serve to shew, that the arrangement of the records has been sufficiently attended to, and that by destroying old and useless papers, every necessary preparation has been made for the immediate occupation of the new building, which is now in course of erection, and will, it is expected, be shortly brought to completion.

30. The Court cannot close this section of the report without adverting to Mr. Tierney's opinion of the benefits, flowing from the operation of Act V. of 1840; the superior efficacy of the declaration, which it prescribes, in eliciting truthful testimony, is said to be undeniable, and it is added that its effect in course of time must be to impress on the native mind a proper sense of the majesty of the Deity, and of the solemn obligation to depose truly, which the declaration in question imposes; but Mr. Tierney adduces neither argument nor fact in support of this theory: the Court do not desire to discuss, whether his preference for the formula, enjoined by the Act, over the former, and (let it be admitted) superstitious observance of swearing witnesses on the Koran and Ganges water according to their religious belief, be reasonable and well founded or not, but they find the testimony of most of the Zillah Judges opposed to the enactment mentioned, and they have data to prove, that under its operation perjury and mendacity have become more prevalent; the question is touched upon at some length in a succeeding part (*v.* paragraph 48) of this report and to that the Court beg leave to refer. The drift of Mr. Tierney's 29th paragraph is not very clear: if the plaintiff's claim be "admitted to be just and well founded" and if the defendant fail to "refute or disprove" it, it is hard to understand how it can be "dismissed owing to insufficiency of proof:" Mr. Tierney has been informed, with reference to his concluding remarks, that the Court have on more* than one occasion advocated the assimilation of procedure in all the Civil Courts,* pointing out the obvious advantages of such a measure, and have still some hope, that their recommendation will not be altogether disregarded by the Legislature.

* *v.* paragraph, ... 74 Report for 1841.
v. paragrph, ... 103 Report for 1844.

MORADABAD.

31. Notwithstanding the observations recorded in the 36th paragraph of the Court's Report for 1844, Mr. Macsween, the Judge of Moradabad, has, in submitting the prescribed statements for the past year, altogether overlooked the obligation, which rests upon him, of reporting on the result of the year's operations, the merits and qualifications of his subordinates, and other points of information, without which the Court are utterly unable to judge, whether the administration has been creditably and efficiently conducted or not; from Mr. Macsween's letter dated 31st March, which accompanies this report in original, it is inferred that he regarded his prospective absence on sick certificate from the 1st May. as a sufficient excuse for the failure above noticed, but it is not so considered by the Court, who must be permitted to observe, that if Mr. Macsween were equal to the supervision of the subordinate Judicial tribunals in the District committed to his charge, until the 1st May, the period fixed for his departure, he could not but have been equally capable of reporting at length on matters, which passed under his own observation during a preceding period. It becomes the duty of the Court, on whom the responsibility of securing to the best of their ability, the efficiency of the Civil administration in these Provinces devolves, to state that the enquiries, which they have from time to time found it necessary to make in reviewing the periodical statements, have remained for long periods unanswered, that repeated calls for the information required have been inadvertently overlooked,

JUDGE.

Headings, Nos. 1 to 14	221
" " 15 to 17	4585
	4806

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14	282
" " 15 to 17	843
	1125

or intentionally disregarded, that instructions addressed to Mr. Macsween have not met with the prompt attention, which it became him to accord, and that, unless there be some guarantee, on Mr. Macsween's part, for a more energetic and heedful exercise of the controlling authority committed to him, the Court cannot undertake to be responsible for the prevention of irregularity, delay and abuse in the administration of Civil Justice, or for the proper supervision of the Judicial Agency in this extensive District. The Court proceed, with the aid of the Tabular Statements, to lay before the Government a brief report, regarding the business dispatched in the several tribunals, together with such comments as a consideration of the details, exhibited in those returns, may suggest. When 1844 closed, the arrear of regular suits, on the general file was larger by 372 than at its commencement, and, during the year under review, owing to the institution of 249 more cases, the number before the Courts for disposal exceeded that, which the statements for the preceding year represented, by 621 suits; the increased pressure of business would seem to have been energetically met by corresponding exertion on the part of the Uncovenanted Judicial Officers, seeing that the decisions on trial and otherwise were more numerous than in 1844, by 478, in the proportion of 256 to the former and 222 to the latter category, and when 1845 terminated, the arrear exceeded that of the preceding year by no more than 143 cases. There is also room for congratulation in the character and condition of the depending arrear, which, comprising as it did 2505 suits, exhibited but 2, of longer standing than a year, of which one was pending in the Suheswan Moonsiffee and the other an Appeal, appertained to the Judge's Court—in regard to the former, it must be remarked, that great and unaccountable delay was permitted to occur in its early stages, and that, in the absence of detailed and sufficient explanation, the Moonsiff was deemed deserving of censure, and that the reason, assigned by Mr. Macsween for the protraction of the latter, the implication, namely, of some of his ministerial establishment in a criminal prosecution, might with equal validity have been urged in explanation of the total suspension of business in the Judge's Court; in the miscellaneous department but two cases, instituted on dates prior to the commencement of 1845, awaited decision at its close, and these were pending on the file of the Judge, whose remarks, intended to account for their prolonged dependence, were thought to shew clearly, that much time had been suffered to elapse in inactivity, the cases in question having been postponed from time to time without any adequate reason, and ultimately stayed in their progress, because one of the Vukeels engaged had been apprehended on a criminal charge under the Magistrate's investigation—it is difficult to understand how so simple and obvious an alternative, as that of calling on the appellant to appoint another Vukeel to represent his interests, should have escaped the Judge's observation. If the result of the past year's operations be deemed satisfactory, the credit thereof is due to the zealous and conscientious diligence of the subordinate agency, and not to Mr. Macsween's supervision, which the Court cannot consider to be deserving of commendation.

32. Mr. Macsween's personal assiduity, the Court regret to observe, merits laudatory notice, as little as does the manner, in which he has exercised his controlling authority, his performances having been restricted to the determination on trial of 35 Appeals out of 563, that were instituted in his Court during the past year, and the disposal, by orders on the merits, of 157 miscellaneous cases under headings 1 to 14 of Statement No. 2, the remaining headings of which represent 4581 orders to have been passed on the matters, classified thereunder, and consisting principally of reports, and proceedings from other Officers, and motions of course, which call for neither time nor judgment in their disposal; when it is considered that 151 days were nominally devoted to the duties of the Civil Court, that, of the 35 Appeals above mentioned, 26 were determined without summoning the respondent, on a simple perusal of the petition of Appeal, and the record of the Lower Court, and that the arrear on the Judge's miscellaneous file, which comprised at the commencement of the year no more than 35 cases of every description, had increased by its close to 206 cases, it will be admitted that the Court do not without reason complain of Mr. Macsween's

insufficient industry; as separate correspondence has passed with Government on this subject no further allusion to it in this place seems to be necessary.

33. Under the orders of Government marginally cited in the 38th paragraph of the Court's last report, the arrangement, by which Moulvee Mahomed Kurreem Ollah was appointed to officiate for Syud Tussuddook Hosein Khan, the incumbent of the Principal Sudder Ameen's office at Moradabad, continued in force until the 7th August, when the leave obtained by the latter expired; it was subsequently* extended for a period of 2 months, but Tussuddook Hossein Khan, owing to certified indisposition failed to rejoin his appointment within the period assigned, and thereby subjected himself, under the literal terms of the Government order, to forfeiture of his appointment, but the infliction of this heavy penalty was foregone, in consideration of the valid reasons urged by the Principal Sudder Ameen for his default, and he was permitted to resume his functions on the 22d December, agreeably to the instructions, conveyed in your letter No. 5139 dated 9th idem. It may be said therefore, with but little qualification, that Moulvee Mahomed Kurreemoollah presided in the Principal Sudder Ameen's Court throughout the year under notice, and that he is entitled to credit for his active and efficient aid in the adjudication of Appeals, is shewn by the satisfactory condition of the files at its close. The business, dispatched in this tribunal, comprehended the decision on trial of 716 regular suits, of which 63 only were original, and 653 Appeals, and the determination, after investigation of the merits, of 217 applications and petitions, referrible to the first 14 headings of the No. 2 Statement, various other matters having been disposed of under the remaining sections of the same statement: this work is distributed in the marginal memorandum† according to the share taken by each of the functionaries named in its disposal, and yielding, as it does in the regular department, a monthly average of 59 decisions, leaves no room to question the assiduity and attention of Kurreemoollah Khan to the duties of his station, the less so, when it is noted, that he was for the period of one month in charge of the Judge's office, and that, when 1845 ended, no more than 51 regular and 49 miscellaneous cases of every kind remained for future disposal on the files of this Court. The Court confess their inability to deduce from the returns before them any opinion respecting the manner, in which Moulvee Mahomed Kurreemoollah's judicial functions were discharged, seeing that of 19 Appeals preferred during 1845 from his decisions, none were brought to a hearing before its termination, and that Mr. Macsween's report contains no remark as to his character or judicial qualifications, but they are somewhat apprehensive, with advertence to the unusually high average number of monthly decisions, that deliberation may possibly have been in some measure sacrified to an unwise, though laudable, desire to exhibit unencumbered files. Sixty-two decreed claims were fully enforced, and 25 others partially settled, 62 other applications having been struck off without any portion of the Decree being carried into execution.

* *v.* My letter No. 1285, dated 28th July 1845.
Your reply No. 3541, dated 19th August.

† Moulvee Mahomed Kurreemoollah Officiating Principal Sudder Ameen,.... ....
Syud Tusuddook Hosein Khan, ...

	Regular.	Miscellaneous. Headings, 1 to 14.	Miscellaneous. Headings, 15 16 17.
Moulvee Mahomed Kurreemoollah Officiating Principal Sudder Ameen,....	707	201	831
Syud Tusuddook Hosein Khan, ...	9	16	12
	716	217	843

34. Of two cases heard in Special Appeal by the Sudder Dewanny Adawlut from the Judge's Court, Mr. Macsween's order was in one upheld, and the other was sent back by remand, while of 3 Special Appeals from the decisions of Moulvee Mahomed Kurremoollah, one terminated in the affirmation of his judgment, and 2 in its reversal.

35. In the Sudder Ameen's Courts, located at Moradabad, and Bijnore, and presided over, the former by Moulvee Mahomed Hussun, and the latter by Mahomed Suleem the late Moonsiff of Azimgurh, who was promoted* to this office towards the end of 1844, 499 regular suits were disposed of, 302 by decision on trial, and the remainder by adjustment, withdrawal, or being struck off from the file on default of the plaintiff, and in the miscellaneous branch of business, 591 cases were investigated and determined, 193 decrees completely and 84 partially executed being included in the latter item: the proportion, dispatched by each of these functionaries, is expressed in the marginal note,† which calls for no other remark, than that the limitation of Mahomed Suleem's performances to the trial and decision of 23 regular suits, and correspondingly small amount of miscellaneous business, is ascribable only to the limited institution of suits in his Court, appertaining to the peculiar jurisdiction of a Sudder Ameen, his services having been principally availed of at Bijnore in the capacity of Moonsiff, and in aiding the Magisterial authorities to the extent of his competency in that department. The Moradabad Sudder Ameen's regular file represents a considerable accession of arrear, as compared with that depending at the end of 1844, and the failure of that functionary to attain to the prescribed minimum of monthly decisions may not have been absolutely unavoidable, but the Court cannot permit this isolated fact to weigh against the character for attention and diligence, which Mahomed Hossein has acquired during the period of his past service, inclining rather to the belief, that the state of business in his Court may have been opposed to the exhibition of more considerable results. The judgment of this officer is favorably represented by the confirmation of his order in 45 out of 64 cases, that were subjected to revision in Appeal, and the same result attended the adjudication of 3 Appeals from the decisions of Mahomed Suleem, but this, at all times a questionable criterion of judicial capacity, is deprived of half its value by the fact that these Appeals were exclusively tried by the Principal Sudder Ameen, of whose ability and intelligence the Court can know but little, and that the Judge, having taken no part in revising the proceedings of these Officers, is of course unable to form any estimate of their character and attainments. Mahomed Suleem, as the Government are aware, enjoyed a high reputation as Moonsiff of Azimgurh, and will, it is hoped, succeed in maintaining it unblemished, as Sudder Ameen of Bijnore.

* V My letter No. 1264, dated 16th July 1844.
Your reply No. 3002, dated 8th August 1844.

	Regular.	Miscellaneous.	Execution of Decree. Complete.	Partial.
† Moulvee Mahomed Hossein, Sudder Ameen of Moradabad,..	279	457	169	80
Mahomed Suleem, Sudder Ameen of Bijnore, ...	23	134	24	4
	302	591	277	

36. Notwithstanding some changes of incumbency in the Moonsiffs' Courts consequent on the promotion‡ of Mahomed Qasim, Moonsiff of Chandowsee to be Sudder Ameen of Allygurh, the retirement§ of Muddun Mohun, late Moonsiff of Suheswan on pensionary support, and the subsequent vacation of his office for a period of nearly 4 months, and other interruptions of a similar nature, which the Court think it needless to detail—notwithstanding these interruptions to the continuity of judicial labor, and notwithstanding, it may be added to their credit, the very lax supervision to which they were subjected, the 11 Moonsiffs, who compose the subordinate agency of this district, passed decisions after trial, on 4103 regular suits, at an yearly average of 373 to each Officer, and disposed, after investigation of the merits, of 2771 miscellaneous cases and

‡ v. Your letter No. 3169, dated 21th July 1845.
In reply to my address No. 1203, dated 8th idem.

§ v. My letter No. 34, dated 3d January 1845.
Your reply No. 254, dated 22nd idem.

petitions, inclusive of 1547 decrees completely executed, and 524 others partially enforced—results, which, surpassing, as they do, those accomplished in 1844, bear testimony to the diligence of the functionaries engaged, and shew that their exertions have increased with the increased pressure of business, and that, though the amount of arrear on the regular file exceeded by 155 cases that, which remained for future disposal at the beginning of the past year, no blame can attach to the Officers, whose proceedings have undergone review. It is proper to add, that of the 4103 regular suits, nominally brought to decision on trial, 2418, or more than half were adjudicated exparte (1306) or decreed on confession of judgment (1112), but this, so far from being a singular feature or peculiar to the returns from this District, is, as the Government are aware, distinctive of the litigation, of which the Courts in this country are the arena, and may therefore be suffered to pass without any attempt on the part of the Court to give to it an individual character, or to explain its cause. The Court are not in possession of any information, which reflects with discredit on the conduct, either collectively or individually, of the Moonsiffs, attached to this District, or tends to controvert the favourable impression, derivable from the details represented in the Tabular Returns, and they must, therefore, content themselves, the Judge, Mr. Macsween, being silent, with expressing their belief, that they have all applied themselves with commendable industry to the duties devolving upon them. Of their ability, legal knowledge and judgment the Court are for the like reason equally unable to form any satisfactory opinion, the appellate jurisdiction having been almost exclusively exercised by the Principal Sudder Ameen, who decided 653 out of 688 Appeals, that were adjudicated on trial before the close of the period under report: a note of the result, with which appeals from the decisions of the Moonsiffs, jointly, was attended, is entered in the margin* without other comment, than that the proportion of reversals, which it represents to have occurred, (41·72 per cent) is unusually high, and that Pundit Dyaram the late, and Mahomed Suleem, the present Moonsiff and Sudder Ameen of Bijnore, are the only two, who can claim exemption from the unfavorable opinion, which such a result, as that denoted in the margin, commonly induces—of the former's decisions, 11 out of 12, and of the latter's 6 out of 7 were affirmed in Appeal by the Principal Sudder Ameen, to whose revision they were subjected.

	Tried.	*Confirmed.*	*Reversed or Modified.*
* By Judge, ...	27	26	1
By Principal Sudder Ameen,	565	319	246
	592	345	247

37. The adjustment of the Moonsiff's jurisdictions has been so recently the subject of correspondence with the Government, that it may be sufficient for all needful purposes to refer to the letters enumerated in the margin ;† the principal change, as it affects this District, is the transfer of the Islamnuggur and Saheswan Moonsiffees to the Bareilly Court, on the ground that the pergunnahs composing those divisions are attached in the Fiscal and Magisterial department to the District of Budaon, which has always formed a component part of the Bareilly jurisdiction, and it is hoped, that the result of the arrangement may be beneficial in reducing the strength of the subordinate agency, over which the Judge of Moradabad is expected to maintain an efficient supervision; it is true, that the establisments under the Bareilly Court are correspondingly enlarged, but two Judges are at present attached to that Court, and past experience shews, that, if the prompt and energetic administration of justice, Civil and Criminal, be a desirable object, the arrangement in question must before long become permanent. A comparative Statement of the cost of the inferior judicial establishments, and of the extent to which it is counterbalanced by the revenue, realized by the sale of stamps, is subjoined.

† My letter No. 361, dated 3d March 1846, with enclosures.
Your reply No. 1398, dated 2d April.
My letter No. 567, dated 14th idem.

Moonsiffee.	*Cost of Establishment including Moonsiff's salary.*				*Amount realized by the sale of Stamps.*		
Moonsiffee Environs of Moradabad,....	2280	0	0	.....	2372	0	0
City of Moradabad,....	1680	0	0	.....	2877	0	0
Ditto Sumbhul,.....	1680	0	0	.....	2980	2	0
Ditto Dhampore, ...	1680	0	0	.....	2869	8	0
Ditto Chundowsee, ...	1629	1	5	.....	2834	0	0
Ditto Umroha, ...	1680	0	0	.....	2192	0	0
Ditto Nugeenah, ...	2280	0	0	.....	3103	0	0
Ditto Saheswan, ...	1209	0	6	.....	1797	4	0
Ditto Islamnuggur, ...	1680	0	0	.....	2303	12	0
Ditto Bhojepore, ...	1680	0	0	.....	1614	12	0
	17478	1	11		24943	6	0

38. Mr. Macsween states that the records are in good order, but, that he has been unable to complete their adjustment owing to the delay, unavoidably incurred in the punching of stamped paper, filed with the several misls, agreeably to the directions, contained in the Circular Order of the Court, No. 981, dated 23rd May 1843; the propriety of these directions has been vindicated during the past year in this very district, where, it will be in the recollection of Government, the fraudulent abstraction of sundry pieces of stamped paper was detected, and led to the Criminal prosecution of the Serishtadar and some other Officers and retainers of the Judge's Court; there is reason to hope, that the successful prosecution of these parties, and the exemplary punishment, which they have been sentenced to undergo, may have a salutary effect on all, who have by their official position access to, and are entrusted with the custody of, the public records.

BAREILLY.

39. An increase in the amount of Civil business, brought before the several Courts of this district for adjudication, is again apparent, and, though less considerable than that, which occurred in 1844 and was commented on in the 4th paragraph of the Report for that year, it was sufficiently large to account, in conjunction with other interrupting causes, and circumstances to be subsequently noticed, for the accession observable to the amount of depending arrear at the close of 1845, as contrasted with its condition at a corresponding period of 1844. Inclusive of the cases remaining over from 1844, there were altogether 9580 regular suits before the Courts, (or 384 more than in 1844) of which 6880 were disposed of finally, either by a decision on trial, or by adjustment, withdrawal and default, and the general file, when the period under review ended, exhibited an arrear, consisting of 2700 cases,—exceeding that of 1844 by 661 cases; that the decisions on trial were less numerous by 602 is the less to be regretted, as the effect of this falling off is in some degree counterbalanced by a larger number of amicable adjustments &c., and admits also of satisfactory explanation by reference to the numerical inadequacy of the subordinate judicial agency, which has been recently acknowledged, to the changes of incumbency in the Judge's Office, to the occupation of Mr. H. H. Thomas, the Judge, in the conduct of "tedious enquiries concerning the misdeeds of a corrupt Moonsiff and a roguish Treasurer," to the almost total suspension of Civil business in

Judge.	
Headings, Nos. 1 to 14	324
" " 15 to 17	3789
	4113

Principal Sudder Ameen.	
Headings, Nos. 1 to 14	327
" " 15 to 17	1217
	1544

the Judge's Court for four months owing to circumstances, which will be shortly adverted to, and to the unavoidable vacation of two of the inferior tribunals for portions of the year under notice. Notwithstanding these difficulties, the operations of the several tribunals have been energetically conducted, and efficiently supervised, a large mass of business has been dispatched, and no want of expedition is apparent, seeing that, when the year came to a close, the arrear of longer standing than a twelvemonth comprised but 8 regular cases (3 original and 5 Appeals), and 5 applications for execution of Decree, of which 3 appertained to the Principal Sudder Ameen's file, and 2 to that of the Beesulpore Moonsiff; in regard to the former it must be remarked, that 2 of the Appeals were decided in February of the past year, and the protraction of the remaining three was occasioned by the absence of the original documents, which were ascertained to be in the office of the Sudder Dewanny Adawlut, and were essentially required for their adjudication, while of the 3 original suits, depending on the Principal Sudder Ameen's file for periods nominally in excess of a twelvemonth, two had been remanded for retrial on dates comparatively recent, and one had been transferred in August from the Court of the Moonsiff of the suburbs; neither in these nor in the miscellaneous cases did there appear ground for the imputation of needless delay to the Officers concerned, nor, it is believed, could their protraction have been avoided, consistently with a due regard to, and observance of, legal requirements. These results may, in the opinion of the Court, be pronounced creditable both to the exertions of the inferior judicial agency, on whom the greater portion of labor devolved, and to the ability of Mr. Thomas, by whom their official acts were superintended.

40. From the 1st January until the 19th March 1845, when Mr. Thomas received charge of this Judgeship, the several Officers, named in the margin,* presided in the Judge's Court for the periods specified, and on the latter date the arrangement, mentioned in the 45th paragraph of the Report for 1844, by which the Sessions and Criminal duties were delegated to Mr. Lean, in addition to his labors as Special Commissioner, and the Civil administration was reserved exclusively in the hands of Mr. Thomas, took effect, but no long time elapsed before Mr. Lean, finding himself unable, by reason of the pressure of Criminal work to proceed in the disposal of cases under Regulation III. of 1828 with the dispatch expected, was relieved, with the sanction of Government,† of a portion of the Sessions work by Mr. Thomas, who consented to the arrangement, under the impression, that he might still be able to devote a sufficient portion of time and attention to the important duties of his Civil charge: in this expectation, however, he was disappointed, and from the 1st July until the 1st November, when the Court assumed the responsibility of altering the distribution of work, the transaction of Civil business was virtually suspended, Mr. Thomas having leisure only to attend to mere miscellaneous matters. These circumstances will be sufficient, without other explanation, to exonerate the Judge from the charge of insufficient industry, and to account for the falling off apparent in the quantity of work dispatched, as contrasted with that accomplished in the year 1844—decisions were passed after trial on 116 regular cases by the several Officers above named, exercising exclusively appellate functions, and 287 petitions under the first 14 Headings of the Miscellaneous Statement were determined by orders on the merits, in addition to 3789 orders passed on the matters, represented in the three remaining Sections of the same Statement: this, which constitutes the whole amount of Civil business, finally disposed of on trial in the Judge's Court, occupied 146 days (108 having been devoted to the performance of Sessions and Criminal duties) and was shared in by the several Officers, who held the Judge's office during the past year, to the extent exhibited in the subjoined memorandum,

* Mr. J. Lean from 1st to 9th Jany.
Mr. C. W. Fagan from 10th to 13th January.
Mr. H. Pidcock from 14th ditto to 2d March.
Mr. J. Lean from 3d ditto to 18th March.

† *v.* Docket No. 2774, dated 31st May 1845.

	Regular Suits.	*Miscellaneous cases, Headings* 1 *to* 14.
Mr. Lean, Officiating Judge, ...	4	 0
Mr. H. Pidcock, ditto, ...	34	 17
Mr. C. W. Fagan, ditto, ...	0	 0
Mr. H. H. Thomas, ...	78	 270
	116	287

which calls for no other remark, than will suffice to deprecate the deduction, from the numerical insufficiency of the work which it presents, of inferences unfavorable to the official aptitude or diligence of the functionaries mentioned—on the contrary, it suggests the necessity of permanency being given to the arrangement, under which an additional Judge is located at Bareilly, and the expediency of rendering his auxiliary services efficient by assigning to him a sufficient allowance for the maintenance of his ministerial establishment; it was by the aid only of the Principal Sudder Ameen in the adjudication of Appeals (availed of to a much larger extent than usual) and by the relief, consequent on the restoration of all the Sessions and Criminal business to Mr. Lean in November, that Mr. Thomas was enabled to prevent the exhibition of considerable arrears both on the regular and the miscellaneous files of the Judge's Court, and there can be no question, that the adjustment of subordinate Civil Jurisdictions, which has been lately effected,* and which increases the number of inferior tribunals, (inclusive of the Courts of the Principal Sudder Ameen and Sudder Ameen of Bareilly) to 14, must have the effect of augmenting the income of business to such an extent, as to render it impossible for any individual Officer, however able, energetic and conscientious, to satisfy the demands upon his time and attention; as the creation of a third permanent Judgeship in the Rohilcund Division was alluded to in the 45th paragraph of the report for 1844, and as it has since formed the subject of correspondence† with the Government, there may be less reason to discuss the matter in this place, but the Court desire in the most public manner to repeat their conviction, that the Civil and Sessions duties of the three Districts, now composing the jurisdiction of the Bareilly Court, are too heavy to admit of their being performed by one Judge, that the experience of the past two years shews that there is but little likelihood of any decrease in the income of work, the less so now, that this jurisdiction has been extended, and that it is "unjust towards the community, as destructive of the efficiency of the administration, to impose upon a single individual the labor that has been, not without difficulty, sustained by two." The agency, permitted by Regulation VI. of 1832 was called into requisition in the trial of one Appeal only, and the Judge's report contains nothing to shew why the Law had not a more extended operation.

* v. My letter No. 361, dated 3rd March.
Your reply No. 1398 dated 2nd April.

† v. My letter No. 867, dated 14th April 1845.
Your reply No. 1843, dated 5th May.

41. Subsequently to the first two months of the period under report, during which Mr. Berkeley retained his appointment as Principal Sudder Ameen, the Office in question was administered by Mr. J. P. Ledlie, who was selected to fill it on the ground of his natural qualifications, and of his prolonged service in a department, which affords opportunities, not elsewhere available, of acquiring a familiarity with the judicial system, and of the principles, by which the proceedings of the local Courts should be governed. Of 252 regular suits (71 original and 181 Appeals) which were brought to decision on the merits, 71 were determined by Mr. Berkeley, and 181 by the present incumbent, who likewise investigated, and passed orders on 213 out of 267 miscellaneous cases, that were disposed of

within the year, under the first 14 Headings of Statement No. 2, the latter item comprising 73 petitions from Paupers under Regulation XXVIII. of 1814, the complete execution of 107 decrees, and the investigation of 61 Petitions of objections, preferred to orders passed in course of execution: when 1845 ended, the arrear on the regular file was more than double of that, depending at its commencement, but it will be sufficient, in explanation of this fact, to state, that more than two-thirds of the cases, composing it, were Appeals, nearly all of which were transferred to the Principal Sudder Ameen's Court for trial and decision on the 25th November, and could not have been prepared for adjudication within the five weeks, that remained. It is true, that the work dispatched falls short of that accomplished in 1844, but some consideration must be extended to one, who, after many years of labor in a ministerial capacity, entered at once upon the discharge of the highest judicial functions, and who, notwithstanding the novelty of his position, has acquired the favorable opinion of his superior, as being "an intelligent, correct and industrious Officer;" it should also be added, that Mr. Ledlie's Assistance* was put in requisition by the Magisterial Authorities somewhat more extensively, the Court thought, than was consistent with the interests of the Civil administration, and the Magistrate was accordingly advised, with advertence to the onerousness of the Principal Sudder Ameen's legitimate duties in the Civil department, to restrict his demands upon Mr. Ledlie's time and attention within narrow limits. The experience of the past year does not enable the Court to express any definite opinion regarding Mr. Ledlie's judicial ability, for few Appeals would seem to have been preferred, and only one, ending in the confirmation of his judgment, was determined, but they are, from his long connection with the Court, and their knowledge of his character, fully satisfied of his unimpeachable integrity, his industry, zeal and intelligence, and they feel persuaded, that he will not belie the Court's recommendation in his behalf.

NOTE.—The degree, in which his services were availed of, cannot be ascertained in the absence of the Criminal Statements, which have not yet (11th May) been received.

42. All the Appeals, both regular and special, which were heard by the Sudder Dewanny Adawlut during the past year, having been preferred from decisions of Officers, no longer incumbent, it is thought unnecessary to describe the result, with which they were attended.

43. Of the two Officers, who were attached in the capacity of Sudder Ameen to this jurisdiction, one Khan Bahadoor Khan stationed at Bareilly, though much esteemed by the native community both on account of his personal qualities, and of his high descent, has never enjoyed a superior reputation as a public Officer, being deficient in judgment, and in those other attainments which contribute to produce judicial efficiency: nevertheless neither Khan Bahadoor Khan, nor Gholam Ghose Khan, who is located at Pillibheet, and is invested also with the powers of a Moonsiff, and holds the office of Deputy Magistrate, has failed in application, having decided on trial, the former 238, and the latter 299 regular suits, and having collectively investigated and determined 420 miscellaneous cases in the proportion of 242 to the former, and 176 to the latter functionary: their activity in that important branch of business, which relates to the execution of Decree, is favorably represented by the complete enforcement of 402 adjudicated claims, and their regularity in the preparation of all cases coming before them may be inferred from the fact of none, pending in their Courts, having been instituted prior to the commencement of the period under review; both these Officers performed Magisterial duties, but the extent, to which their time and attention may have been thus occupied, cannot be stated in the absence of the Criminal Statements, which have not yet (11th May) been received in this office. As might have been anticipated, the Appeals, instituted to obtain reversal of Khan Bahadoor Khan's orders, have been in proportion more

numerous; as the issue of those adjudicated has been decidedly more unfavorable, than is found to have been the case with Gholam Ghose Khan; of 50 cases, that were subjected to the Judge's and Principal Sudder Ameen's revision, the orders of the former were affirmed in 26 and reversed or modified in 24 instances, while 9 Appeals from the decisions of the latter, similarly adjudicated, resulted in the approval of his judgment in all but one case—as regards the proportion of Appeals instituted to decisions pronounced, it is to be observed, that though the judgments passed by these Officers in contested suits were nearly equal in number, the Appeals instituted within the year from the Court at Bareilly amounted to 75, and those from the Pillibheet Sudder Ameen's orders numbered 25 only, the excess of the former being perhaps in some measure attributable to the proximity of the local appellate tribunals, and to the encouragement and facility, which such proximity affords of calling in question the justice, propriety or legality of the proceedings of the Lower Courts. Mr. Thomas seems to concur generally in Mr. Lean's estimate of the qualifications of these Officers, merely observing in regard to Khan Bahadoor Khan, that, though his mental energies cannot be supposed to grow stronger with advancing years, the result of Appeals tried is somewhat more favorable than it was in 1844, and in regard to Gholam Ghose Khan, that "he possesses the confidence of his official superiors, and the natives hold him in esteem:" the Court are glad to remark, that Mr. Lean's strictures on the propensity of the latter to go beyond the record of the cases before him have not been without their effect.

44. Of 5661 regular suits, which were finally disposed of by the six Moonsiffs, employed in this extensive jurisdiction, only 1370 were actually contested by both parties, 534 having been struck off on default under Act XXIX. of 1841, 1802 adjusted or withdrawn, 1029 tried exparte, and 926 decreed on confession of judgment, facts, which in the judgment of Mr. Thomas, favor the presumption "that the majority of the claims were correct, and that the Plaintiffs, on resorting to Court, brought Defendants to terms without protracted litigation," although "a certain abatement" he observes, "must be made for frivolous and false claims, advanced *in terrorem vel per malitiam*, which the Plaintiffs on second thoughts judged it prudent to drop." It is difficult to assign any special reason for the increase of arrear, which is observable on the files of the Courts, unless it be the numerical inadequacy of the agency at work to the demands on the time and energies of its members, but it is certain that the diligence of these functionaries cannot be impugned, seeing that the aggregate of decisions on trial (3325) yields an average of 554 to each, that one and all exceeded the prescribed minimum of annual decisions, and that the Moonsiffs of Budaon and Shajehanpore not only exceeded it, but far surpassed the other Officers of the same grade, having determined on trial 719, and 825 regular suits respectively; it is therefore a source of much satisfaction, that the several arrangements, connected with the adjustment of Civil Jurisdictions, and designed to relieve the over-burthened files of the two latter tribunals, and to equalize the distribution of labor, have been completed, and are now in course of execution, for, as Mr. Thomas remarks, it is "impossible for one man, however great his abilities may be, to do full justice to such an onerous charge" as that of the Shajehanpore and Budaon Moonsiffees, and the Officers Abdool Ruhman, and Mahomed Abdoollah, who presided in them, appear to the Court to be deserving of special notice for the energy and official aptitude, which they have both exhibited. The performances of the Moonsiffs in the miscellaneous department include, among other matters of minor importance, the complete enforcement of 2023 decretal orders, (1339 more applications having been struck off by reason of the Decree-holders' default) and are considered by the Court creditable to their exertions; it may be noted, in regard to the large portion of futile applications, that "all the Moonsiffs were found to have been in the habit" of striking off their files unexecuted decrees, in which process had been temporarily stopped by the appellate Court, and that this practice has

	Tried.	Confirmed.	Reversed or Modified.	Percentage of reversals.
Amanut Hossein, Moonsiff of Bareilly,	48	33	15	31·25
Mahomed Hossein, Moonsiff of Suburbs,	39	33	6	15·38
Abdoor Ruhman, Moonsiff of Budaon,	36	27	9	25.00
Moulvee Abdoolah, Moonsiff of Shahjehanpore, ...	62	39	23	37·09
Sidgopal, Moonsiff of Beesulpore,	23	13	15	53·57
Mahomed Wuzeerooddeen, Moonsiff of Oojhanee, ...	7	6	1	14·28
	220	151	69	31·36
By Judge, ...	49	32	17	34·69
By Principal Sudder Ameen, ..	171	119	52	30.40

been, with the concurrence of the Court, prohibited, as favoring a fictitious representation of the condition of the miscellaneous files, and throwing upon a Decreeholder the *onus* of reviving a case, although its relinquishment, may not have been ascribable to his act or his default. The Tabular Statement, given in the margin, while it represents the judgment of the Moonsiffs, as a collective body, in a tolerably favorable light, may be useful in shewing, that the recent elevation * of Abdoor Ruhman to the Sudder Ameenship of Meerut, and the promotion† of Mahomed Hussun to the superior grade, were merited by these Officers respectively, as well on account of their superior qualifications, as of the excellent character, which they both deservedly bear, and that the result of Appeals reflects with discredit only upon Sidhgopal, the late Moonsiff of Beesulpore, who has been recently‡ deprived of his judicial office, on sufficient grounds, under the provisions of Section 26, Regulation V. of 1831; with the solitary exception of this individual, all the Moonsiffs receive from Mr. Thomas a character for assiduity, and conscientious zeal, the superiority over others in point of qualification being ascribed to Abdoor Ruhman, the late Moonsiff of Budaon, and the two Officers located at Bareilly; it is hoped, that the distinction conferred on Mahomed Hussun may stimulate his fellows to laudable exertion, in the same degree that the penalty, inflicted on Sidhgopal, may deter them from the commission of acts, which cannot but be prejudicial to their reputation, and a death-blow to their prospects of advancement in the public service.

* *v.* My letter No. 92, dated 24th January.
Your reply No. 546, dated 13th February last.

† *v.* My letter No. 322, dated 3rd March last.
Your reply No. 1182, dated 19th ditto.

‡ *v.* Government Gazette, dated 10th February 1846.

45. The charges, incurred by Government on account of the inferior judicial establishments in this district, are more than provided for by the income, proceeding from the sale of the stamped paper, required for legal purposes, and filed in the several tribunals, and the Court cannot help thinking that the surplus might very equitably be considered as a fund, applicable to the improvement of the ministerial agency, now attached to these Courts: that agency is now confessedly inefficient, the reproach, which the means resorted to by these officers of procuring a bare maintenance (which the wages of their labor do not supply) bring upon those tribunals is avowed, and the period has arrived, when a reasonable remuneration can no longer be witheld without grievous injustice to the parties themselves, and without the infliction of a much more serious and extensive injury on those, whose business brings them into the Courts of the country for redress of their real or supposed grievances; the usual Tabular Statement is subjoined:

Moonsiffee.	*Cost of Establishment with Moonsiff's salaries.*	*Amount realized by Sale of Stamps.*
Moonsiff of Bareilly, ...	2252 14 6	4242 6 0
Moonsiff of Environs, ...	1680 0 0	3004 0 0
Moonsiff of Beesulpore, ...	1414 3 10	3486 1 0
Moonsiff of Shajehanpore, ...	1680 0 0	6552 10 0
Moonsiff of Budaon, ...	2221 10 8	3789 14 0
Moonsiff of Oojhanee, ...	1680 0 0	3089 6 0
Sudder Ameen and Moonsiff of Pillibheet, ...	3960 0 0	2509 12 0
	14888 13 0	26674 1 0

46. Before closing this section of the Report, the Court think it due to Mr. Thomas to notice briefly a few matters of importance, which, anticipating his retirement from the service after a long course of judicial experience, he has judged it right to bring under the consideration of the Court. It seems to the Court, that two opinions cannot be entertained in regard to the inadequacy, with which the Moonsiffs are now salaried, and the evil effects, which this must produce in depressing the character and respectability of the office, which they fill, and excluding from it men, whose personal qualities and educational acquirements would do honor to it. Some check has certainly been imposed upon the admission of incompetent individuals by the requirement of a certain standard of qualification, and the subjection of candidates for the office to an examination, but the Court can hardly dissent from the opinion of Mr. Thomas, that individuals may succeed in passing through the prescribed ordeal, "whose previous habits and associations would naturally disqualify them for a post of credit and distinction," and that the first, as well as most obvious step is to increase the desirableness, and raise the character, of the office, and to invite men of a superior stamp to accept it, by raising the salary attached to it. On this head the Court would refer to the Appended (A) Extract from their letter No. 158, dated 15th January 1844, in which they took occasion to point out that the Moonsiffs, in whose Courts the great bulk of litigated property throughout the country comes under adjudication, actually receive a smaller salary than the Tehseeldars, whose duties consist in the collection of the assessed revenue, the acquisition of such local knowledge as may facilitate the discharge of those duties, and the primary investigation of claims for rent, subject to the decision of the Collector, and the ultimate issue of a regular suit in the Court, most probably, of the Moonsiff, whose Court is in juxta-position with the Tehseeldar's Cutcherree, and whose deliberate judgment may suffice to overrule the opinion, not only, of that Tehseeldar, but the more mature and the better considered opinion of his official superior. Is it not, the Court would ask, an anomaly that an Officer, empowered and required by the Law to exercise such authority, should (especially in this country where a certain degree of respectability and weight is in the native mind always attached to, and connected with, official emolument) receive a moiety or less than a moiety, of the salary, which a Tehseeldar may claim? can the impression be otherwise than prejudicial to the character of that branch of the service, subject to the Court's controul? can the result be other than to depress its efficiency and usefulness as a collective body, and to interfere materially with the ends of justice? It is a fallacy to suppose, that the natives of this country will not make use of their official influence to further their own ends and interests, or that their moral feeling is sufficiently powerful to resist the temptations, which fall in their way, and to withhold them from the commission of acts, for which, however repugnant to the sense of honor entertained by Europeans generally, their conscience does not upbraid them, and the detection of which is more than improbable; it may be argued, that the augmentation of the salary, receivable by these Officers, will not improve their moral character, and this may be quite true, but it is not the less incumbent on the Government to proportion their pay in some measure to the importance of their duties, and to remove every tangible excuse for dishonesty and malversation. The Court may fail in their design of obtaining for the inferior judicial Officers, subordinate to their authority, the consideration, which their position, and the important trusts committed to them alike demand, but they will have the satisfaction of feeling, that they have discharged their duty in bringing prominently to the notice of Government the evil influences of the present ultra-economical system, and in this stage they are content to leave the question. In the observations, which the 15th paragraph of the Judge's report contains, and which would seem to be condemnatory of the present plan of giving to parties, who have passed the required examination, a preferential claim to employment in the judicial department, the Court cannot altogether coincide: they admit that the approved practice of "cramming" may be occasionally successful, and that the incapacity of the parties in question may only become manifest on their elevation to the judicial bench, but this the Court are disposed to regard rather as the exception than the general rule, for they have the testimony of the majority of the Zillah

Judges, in favor of the superior qualifications, possessed by the Moonsiffs of the new regime as compared with those which the Moonsiffs of the olden time exhibited, and they are reluctant to call in question the value of an institution, which, if it have failed altogether to exclude unworthy persons from the judicial branch of the service, has been the means at least of improving the legal knowledge, and increasing the efficiency of the present agency; Mr. Thomas' own estimate of the several Moonsiffs, subject to the jurisdiction of his Court, would seem to favor this conclusion, a conclusion, which the general character of the Moonsiffs, so far as it is known to the Court, is not of a nature to controvert. The Court, however, cannot help remarking, that the respectability of the judicial branch of the service might possibly be better secured, were the Judges more careful in ascertaining the character, connections and past conduct of those, who may apply for certificates to enable them to appear before the Divisional Committees of examination, and that, if persons of indifferent character do find entrance into the Judicial Department, the blame thereof must lie with the Judge, from whom they may receive the required certificate of respectability, and with whom the responsibility of its correctness must rest.

47. It is hoped, that a remedy may be found for the evils, complained of in the 17th paragraph of the Judge's letter, in rules for the examination of all candidates for the office of Pleader in the several Courts of Civil Justice, which have been proposed and are now under the consideration of the Sudder Dewanny Adawlut in Calcutta; in the mean time the Court have reminded Mr. Thomas, that Vukeels, who "spin out their pleadings with tedious" and irrelevant "episodes," are liable under the Law to be fined, and that those "of bad reputation, who get up false claims and prepare both documents and witnesses in support of it," are subject under the same Law to peremptory dismissal; much of the opprobrium, heaped upon our Courts, is traceable to the incompetency and the infamous character of the bar, and much of it might be wiped out, were the endeavours of the Zillah Judges in that direction more constant and energetic.

48. The 18th paragraph of the Judge's Report touches upon a most important question, one vitally affecting the ends of justice, and the interests of the community at large, and therefore calling urgently for the patient consideration of Government and the Legislature. Mr. Thomas, returning to the duties of a Zillah Court after an interruption of 4 years, depicts in emphatic language the impression, produced on his mind by the unscrupulous mendacity of deponents in Court, and, naturally enough, ascribes it to the operation of Act V. of 1840. It will be in the recollection of the Hon'ble the Lieutenant Governor, that, in pursuance of the expressed desire of the Supreme Government, the local Officers were required to report on the working of that enactment, and to state how far the objects, contemplated thereby, had been attained; it is found, on reference to the returns then received, that the great bulk of the matter of an evidential nature, contained in them, was unfavorable more or less to the enactment referred to, that, while many Officers bore testimony to the attainment of one of its declared objects, in the removal of the ostensible objection, urged by the more respectable classes to their appearance in the Courts of Justice, they held that this object had been gained at the expense of truth, that is, of a chief and influential inducement to speak it, in respect of the uneducated and ignorant, who form the great mass of deponents in our Courts; scarcely a single Officer, consulted on the occasion referred to, spoke unqualifiedly in favor of the Law. The Court, in my predecessor's letter No. 1675, dated 10th September 1841, endeavored to lay before the Government a digest of the reports, received in answer to their Circular requisition, and resolved the objections, urged, into four general headings, comprehending briefly the following propositions; 1st, "that there was no necessity for the Act in reference to its proposed end of removing the obstruction to justice, arising from persons of the Hindoo and Mahomedan persuasion being compelled to swear by forms, repugnant to their feelings and consciences, because former Regulations provided for the exemption

of those, whom, according to the usages of the country, it would have been improper to subject to such compulsion, by simply subscribing a declaration or *halufnameh*," 2ndly, that, though repugnance to be sworn might be the ostensible reason of the unwillingness of certain persons to appear as deponents in our Courts, it is not the real one, which is connected with other and distinct considerations, not removed or removable by the Act in question," 3rdly " that, though the repugnance of certain classes (or the ostensible pretext for it) to appear in Court had been lessened or overcome by dispensing with oaths, with other classes (a much more numerous body) the restraint, existing against mendacity and perjury, had been removed in the same ratio," and 4thly " that, as respects the last named classes, great obstacles were presented to the effective working of the Act, and the literal observance of its provisions, in some measure, prevented by the difficulty of making the form of declaration therein prescribed, either understood by rude and ignorant deponents, or repeated by them, on dictation, in any such way as to supply the superstitious reverence, formerly accorded to the visible symbol, by the more reasonable ideal solemnity of a direct adjuration of the deity." Although at the period referred to the Act had been in operation for a short space of time, a large body of trustworthy testimony was adduced in support of these several propositions; it was shewn, in respect of the two first points, that the permission to take evidence on " Halufnameh" had been generally availed of, and been found to provide amply for the prejudices of the natives, and that the disinclination of certain classes to appear in Court was attributable rather to the ideal consequence attached by them to a position, which, they supposed, set them above the summons of a Magistrate or other Officer, the privilege of not appearing in Cutcherree being considered the distinguishing line between the higher and the middle classes, while in regard to the third proposition, a large mass of evidence was adduced to prove, that the cause of truth had lost by the enactment, that " the wages of hired witnesses had sunk from the Rupee to the Anna," that, in short, truth and falsehood were more inextricably blended than ever, and that the ends of justice were entirely defeated by the operation of the Act. On the fourth point also there was but little difference of opinion; though the form of words was admitted to be awful and impressive, yet the repetition of the formula was declared to be, generally, the cause of merriment to a peasant, and it was stated by many Officers that it was painful to witness the unbecoming levity, with which the solemn declaration was repeated, notwithstanding frequent admonition to the parties, few of whom, it was feared, understood its purport, or doing so, admitted its sacred obligation. The Court, in submitting the reports of the District Officers to Government, refrained from expressing any conclusive opinion as to the expediency or otherwise of the entire or partial repeal of the Law in question, and recurrence to the old form of oath on the Koran and Ganges water, or how far the Act might be with advantage susceptible of so much modification, as should accord to all Courts the power to use their discretion in administering an oath or not, as they might deem proper, but subsequent experience has convinced the Court, that it has been productive of no good, possibly of much evil, and that it calls for the reconsideration of the Legislature. The Court, having their attention particularly directed to this subject by Mr. Thomas, have caused a comparative Statement to be compiled from the records of their office, exhibiting the commitments, convictions, acquittals and references in cases of perjury during 4 years antecedent, and 4 years subsequent, to the passing of the enactment under notice, and it appears that, from 1836 to 1839, both inclusive, the commitments in all the Districts of the North Western Provinces amount to 332, convictions were 191 in number, acquittals 81, references 34, and of the remaining 26 commitments the result cannot be ascertained without more research, than time has yet permitted: during the four years, extending from 1842 to 1845, 323 persons were convicted of perjury, 127 were acquitted, and the cases of 11 were referred to the Nizamut Adawlut, the total number of commitments having been 456, or 124 more than in the 4 years, antecedent to the operation of Act V. of 1840. These facts are of themselves sufficient to favor the presumption, that perjury has been fostered by the new Law, but when it is considered that a very large proportion of evidence is taken and recorded in the Native Courts, that the Officers, presiding

in those Courts, do not attach the same degree of moral turpitude to false swearing, that it conveys to an educated and well ordered mind, and are slow to appreciate the importance, and bear the opprobrium, of exposing it, and that consequently not two-thirds of the perjuries, actually committed, are made the ground of a Criminal prosecution, the comparative increase in the number of commitments for the offence in question carries with it irresistible proof of its greater prevalence, and justifies the Court in proposing a re-consideration of the Law's provisions: it seems clear from all the evidence available, that the formula, which the Act prescribes, does not bind the conscience, and any observance, that fails to procure this principal object of an oath, that fails to impose upon the deponent an obligation to depose truly, may as well be abandoned altogether. "The present apology for an oath" observes Mr. Thomas, is, to say the mildest of it, a failure, for three-fourths of the witnesses do not understand it, and so cannot feel its force, whilst those, who can comprehend its meaning, do not regard it as an oath, but treat it with contempt;" Mr. H. B. Harrington, when Officiating Judge of Jounpore, commenting on the operation of the Act, took occasion to lament the daily increase of perjury, and the Court are persuaded that, were the local Officers generally consulted, it would be found that the experience of the last 4 or 5 years has not altered the unfavorable opinion, formerly expressed, of the Law's provisions and effects.

49. On the subject of the 22nd paragraph of the Judge's report, the insufficiency, namely, of the remuneration received by the English Clerk of his office, some correspondence* has recently passed with the Government; the Court are persuaded that, were not the necessity urgent, Mr. Thomas would not advocate the increase of expenditure, which his proposal to raise the salary of his Clerk involves, but the Judge has been informed of the rule, established by Government, that no augmentation of the allowance for the maintenance of any one part of the Ministerial Establishment shall be permitted, unless a corresponding reduction can be effected in another, and of the inability of the Court under these circumstances to support his recommendation; nevertheless, the Court may be allowed to remark, that the tendency of recent Regulations and Rules is to throw work on the English department of the Judicial Officers, and that the time is not far distant, when, with reference to this radical change of system, and the exigencies of the public service, a revision of the Ministerial Establishments, attached to all these offices, will be imperatively needed.

* My letter No. 597, dated 6th April 1846. Your reply No. 1704, dated 27th Idem.

AGRA.

50. The Statements for the past year, which have been submitted with a brief report by Mr. Boldero, again exhibit a falling off in the income of business, as compared with 1844, fewer suits by 120 having been brought on the file, while the number before the Courts for disposal was smaller by 39 only, than in the year, preceeding that under notice; this decrease is attributed by Mr. Boldero, with what approach to correctness the Court cannot undertake to say, to "the fine harvests" of the past season, "which enabled many to liquidate debts, for which they would otherwise have been sued," but for the falling off of 130 in the number of disposals, and for an accession of 91 suits to the amount of arrear depending on the general file, the Judge has not endeavoured to account, save by reference to the diminished income of business, which is hardly a satisfactory solution, seeing that the suits before the Courts were but little less numerous during 1845, as above noticed, than in 1844; no changes of incumbency, or other interruptions to the continuity of judicial labor occurred, and it might therefore be presumed from the circumstances noticed, that the Officers concerned had failed in giving adequate attention to

JUDGE.

Headings, Nos.	1 to 14, ..	239	
" "	15 to 17, ..	2538	
			2777

PRINCIPAL SUDDER AMEEN.

Headings, Nos.	1 to 14, ..	266	
" "	15 to 17, ..	722	
			988

their public duties, but the aggregate arrear, consisting in all of 636 suits, was so inconsiderable, and at the same time of such recent institution, as to avert a conclusion, so unfavorable: in the regular department there were but three (3) cases, of longer standing than a twelve month, awaiting decision at the close of 1845, and these were all Appeals, remanded to the Judge's file for re-trial within the last 6 weeks of the year, while in the miscellaneous department the files, whether of the Judge's or of the inferior Courts, were altogether free from the encumbrance of old cases. These results are in the abstract satisfactory, that is, all that required to be done has been done, but it is obvious from the above review, that none of the tribunals of the Agra District—and least of all, those of the superior grade, are overburthened with work, and that there is but little room for the exhibition of more than ordinary industry; it may therefore be regarded as matter for congratulation, that the arrangements for the contemplated transfer of two Moonsiffees from the jurisdiction of the Allygurh Court are approaching completion, and will shortly be reported for the information and the sanction of Government.

51. Mr. Boldero, who held the office of Judge throughout the year under notice, held sittings on the Civil side for 122 days, and, in deciding on trial 127 regular suits (of which 2 were original and the remaining 125 Appeals) left but 34 cases on the regular file for future disposal, so that, the amount of work dispatched could not have been exceeded: in the miscellaneous department, likewise, the same result is apparent; 196 cases and petitions under the first 14 Headings of Statement No. 2, comprehending among others, the several matters specified in the margin,* were investigated and decided, and, when 1845 closed, there were but 22 cases of every description undetermined: although, therefore, Mr. Boldero was engaged for 106 days in Sessions and Criminal duties, and for 13 more either as Special Commissioner, or as a Member of the Committee for the examination of candidates for the office of Moonsiff, he had no occasion to require the Principal Sudder Ameen's assistance in the adjudication of Appeals, nor is there any probability, that, while the extent of the jurisdiction remains unaltered, the provisions of Section 16, Regulation V. of 1831 will be brought into operation. The agency, permitted by Regulation VI. of 1832, was not availed of, owing to the aversion of respectable natives, Mr. Boldero states, to undertake the duties of Jurors—"an aversion, caused by the dread of incurring the enmity of the parties," in opposition to whose interests they might express an opinion, as well as by the "fear of laying themselves open to the charge of being actuated by private feelings, or some baser motives;" it may be mentioned in connection with this subject, that in the course of the year an application, made by the Judge, for permission to indemnify parties, summoned to attend the Court in the capacity of Jurors or Assessors, for the expense imposed upon them in procuring means of conveyance, was rejected by the Court, who were not prepared, without the previous acquisition of more precise information on the subject, to propose to the Hon'ble the Lieutenant Governor, that the incurment of such a charge should be generally, or locally, permitted. The Principal Sudder Ameen's Court was administered vicariously during the period under review by Moulvee Mahomed Kureem Koole, who was selected to officiate for the permanent incumbent during his deputation to Moradabad, and is reported to have acquitted himself to the Judge's "entire satisfaction:" the decision on trial of 71 original suits, and the disposal, by an order on the merits, of 125 miscellaneous cases under Headings 1 to 14 of Statement No. 2, constituted, with a few orders under the remaining headings of the same Statement, all the business, that was dispatched in this Court, and could not have been surpassed in quantity, seeing that the regular file exhibited but 18, and the miscellaneous but 51 cases, awaiting future decision, and that none of these were of longer standing than a year—14 Appeals were tried by the Judge from the orders of Moulvee Mahomed Kureem Koolee, with a result, which reflects but little

* Certificates granted and orders passed under Act XX. of 1841, ...	45
Petitions for Summary Appeals under Regulation XXVI. of 1814 and Act XX. of 1838, ...	12
Petitions of Appeal under Regulation VII. of 1825, ..	67
Petitions of Miscellaneous and interlocutary Appeals, ..	3
Petitions for redemption of Mortgages under Regulation I. of 1798, and Regulation XVII. of 1806, ..	10

credit on the judgment of the latter, 8 having terminated in the confirmation of the original decision and 6 in its reversal, while two cases, that came up in regular Appeal to the Sudder Dewanny Adawlut, were both sent back by remand for re-investigation or re-trial. This Officer has, since the commencement of the present year, been transferred from his substantive appointment of Sudder Ameen at Meerut to the like office at Muttra, in succession to Bhowanee Pershaud, whose decease was reported to Government in my letter No. 94, dated 24th January last.

v. your letter No. 546, dated 13th February.

52. The Sudder Dewanny Adawlut heard 12 Appeals (1 regular and 11 special) from the orders of Mr. Boldero, his judgment being in two affirmed, in four reversed, and in one modified, and the remaining five cases being sent back by remand.

53. Of the manner, in which Pundit Bhowanee Pershaud, who was selected for the office of Sudder Ameen and Moonsiff of Muttra under the circumstances described in the 53rd paragraph of the Court's last report, Mr. Boldero has recorded no opinion, but there is the less reason to regret the omission, inasmuch as the functionary in question died, as above stated, about the beginning of this year, and the Court may be spared the needless trouble of passing judgment on his official character and conduct. In his capacity of Sudder Ameen, Pundit Bhowanee Pershaud passed decisions, after trial, in 15 regular suits, leaving 20 for future disposal, and determined, by orders on the merits, 197 miscellaneous cases, inclusive of 19 applications for execution of decree, struck off after full or partial enforcement of the claim, and at the end of the year only 37 cases on this file remained undisposed of. To this work the performances of this functionary as Moonsiff of Muttra must be superadded, and may be conveniently aggregated with those of other Moonsiffs in a succeeding part of this report, it being sufficient in the present place to add, that his services were availed of by the Magistrate of Muttra in the decision of 43 Criminal cases, and the conduct of the preliminary investigation in two others. Out of 11 Appeals, heard by the Judge before the close of the year, 6 terminated in the affirmation of the Sudder Ameen's judgment, and 5 in its reversal, a circumstance, from which without any elucidatory comment on the part of the trying Officer, Mr. Boldero, no conclusion in regard to the judicial capacity of Bhowanee Pershaud can be deduced—the less so, as orders, passed by him in the capacity of Moonsiff, were upheld in the large proportion of 20 out of 23 cases, that were subjected to the Judge's revision.

54. In the 5 Moonsiff's Courts, annexed to this Judgeship, which were in full operation during the past year without intermission, or any other interruptions than those, occasioned by the ordinary adjournments of the Civil Courts on account of the vacations, decisions after trial were passed on 1626* regular suits at an average of 325 to each Officer, and 3047 miscellaneous cases, comprising the complete enforcement of 728, and the partial execution of 262 decretal orders, were determined after investigation of the merits; as in 1844, so in the past year the proportion of regular suits adjusted or withdrawn or struck off on default, and of applications for execution of Decree, similarly struck off on failure of the Decree-holder to proceed with the execution, is unusally large, but the circumstances, in which these peculiarities originate in this District, having been explained in the 54th paragraph of the last report, do not need to be recapitulated in this place, it being believed, that they were on that occasion correctly represented, and that they have continued during the period now under notice to operate in the same manner and direction; it will be seen by the marginal note, that more than half of the regular suits, nominally decided on trial, were tried exparte, or decreed on confession of judgment, and could not therefore have called for

* Of which were decided,

exparte, ...	436
Ikbaldava, ...	486
	922

much time or deliberation in their disposal, while, as regards the miscellaneous department, it may be added, in illustration of what has been said above, that no less than 890 applications for execution of Decree were struck off without any portion of the Decree being carried out. The Court see reason to be satisfied with the diligence and attention of these functionaries, whose judicial ability, moreover, is very favorably represented by the marginal extract from the Statement of Appeals, adjudicated during the past year: the results, however, exhibited in this return must vary in different Districts, according to the varying ability, acquirements, and experience of the local Appellate Officers, and are found to present such remarkable diversity, that, the Court confess, they are reluctant to look upon them as a safe test of judicial efficiency: before the issue of Appeals tried can be fairly made the foundation of an opinion respecting the intelligence, and judgment of the Officers, whose proceedings are revised, the perfection of the Judge's qualifications for the position which he occupies, his ability to detect error, whenever it may occur, his intimate acquaintance with the Regulations of Government, and the established practice of the Courts, his aptitude for the careful sifting, and just appreciation of native evidence, and the confidence of the litigant community in his judgment, must be pre-supposed, and admitted; that these qualities will be found more frequently to characterize the European Judge, than the Uncovenanted Judicial Officers, must of course be presumed from the superior educational advantages, which the former have enjoyed, and their greater familiarity with the principles and spirit of Anglo-Indian Legislation, but still their liability to error cannot be doubted, nor can it be denied, that the measure of their judicial capacity varies almost as much as does their individual character; yet the same test is commonly applied to the proceedings of the Uncovenanted Judges, whatever may be the official aptitude and experience of the authority, to whose supervision they may have been subject; until, however, some more effectual means of estimating the merits and qualifications of the former can be devised, the proportion of Appeals instituted to decisions passed, and of orders confirmed to orders reversed, must continue in some measure to guide the Court in their judgment. The issue of Appeals tried is, it will be observed, unusually favorable, as compared with that obtained in many other Districts, the Moonsiffs of which are believed to be equally well qualified for the discharge of their duties: to Mr. Lyons the Moonsiff of Agra, the first place in order of eligibility for promotion is assigned, as an Officer, who "bears the highest character for integrity and impartiality among all classes of the community," and "possesses a more than ordinary knowledge of the Regulations," while, in regard to Ewuz Alee Khan, Moonsiff of Etmadpore, it is stated, that his decisions give general satisfaction, and that his claim is second only to that of Mr. Lyons the Moonsiff of Agra, the bar* to whose promotion, the Court desire me to add, has now been withdrawn. Since the termination of 1845, Syud Abas Alee, Moonsiff of Bah Pinahut, has been under suspension, pending the investigation of charges of bribery and corruption, preferred against him, and he has at the instance of the Judge been subjected to a Criminal prosecution, of which the issue has not yet been reported† and Syud Ahmed Khan has been removed to Delhie, owing to frequent indisposition, and the supposed uncongeniality of the climate at Futtehpore Seekree with his constitution: he is a respectable Officer, and merited the favorable consideration of the Court.

	Tried.	Confirmed.	Reversed or Modified.	Percentage on reversals.
Mr. J. P. Lyons, Moonsiff of Agra,	22	17	5	22 · 72
Syud Ahmud Khan, Moonsiff of Futtehpore.	8	6	2	26 · 00
Syud Abas Alee, Moonsiff of Bah,	30	20	10	33 · 33
Ewuz Alee Khan, Moonsiff of Etmadpore,	17	15	2	11 · 76
	77	58	19	

* v. My letter No. 94, of the 24th January last.

† NOTE—Since these remarks were written, the Moonsiff has been acquitted by the Session Judge, to whose court he was committed, and permitted by the Court to return to his duty.

55. The subjoined table exhibits the charge, incurred by Government on account of the subordinate judicial establishment of this District, and the amount, realized by the sale of Stamped paper, required for purposes of litigation and filed in the several Courts; the excess of expenditure over the income, derived from this source, is inconsiderable, amounting only to Rupees 429.

Moonsiffee.	*Cost of establishment.*	*Net Revenue realized by sale of Stamps.*
Sudder Ameen and Moonsiff of Muttra,	3960 0 0	3346 0 0
Moonsiff of Agra, ...	2280 0 0	2222 0 0
Ditto of Futtehpore, ...	1680 0 0	1467 0 0
Ditto of Bah, ...	1680 0 0	1959 0 0
Ditto of Etmadpore, ...	1680 0 0	1857 0 0
	11280 0 0	10851 0 0

Mr. Boldero has inadvertently omitted to advert to the condition of the record department, in conformity with the requirements of the Court's Circular Order on that subject, but it is known that racks are in course of preparation, a specific sum having been sanctioned for that purpose by the orders of Government marginally* cited, and it is believed, that there is now no obstacle to the complete adjustment of the records in the manner approved by the Court, a commodious depository having been provided by the erection of the new Court House, which was occupied by the Judge in October last.

* v. Your letter No. 1232, dated 24th March 1846.
In reply to my letter No. 366, dated 9th Idem.

56. It may be useful, with reference to the correspondence noted in the margin,† to state that the incompetency of the Civil Courts to annul, or in any way to interfere with the terms of, a farming lease, has been judicially determined by the Court in special appeal, on the ground that the lease is in the nature of a contract between the Government on the one part, and the farmer on the other, and that its conditions cannot be avoided without the consent of both contracting parties: the judgment of the Court is printed in Appendix (B.) to this report, as a guide to the subordinate judicial authorities, to whose adjudication the same question may probably be referred. There is no other incident, connected with the administration of Civil Justice in this district during the past year, worthy of particular notice.

† Your letter No. 5461, dated 31st December 1845.
My letter No. 222, dated 17th February 1846.

FURRUCKABAD.

57. A falling off in the number of suits, instituted in the Civil Courts of this District during the years 1843 and 1844, which was adverted to in the 57th and 58th paragraphs of the reports for those periods respectively, was followed during 1845 by a very considerable increase in the amount of business brought on the file of the several tribunals, all of which, in a greater or less degree, participated in it: to this fact must be ascribed the accession of 320 cases to the arrear on the general file, as contrasted with its condition at the close of 1844, for, though the diligence of all the judicial officers was zealously exerted and well directed, and though the decisions on trial and otherwise were more numerous by 642 than those pronounced in 1844, the additional number of suits before the Courts during

JUDGE.

Headings, Nos. 1 to 14	415
„ „ 15 to 17	6941
	7356

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14	651
„ „ 15 to 17	1036
	1687

the past year amounted to 962: it may be needless to enquire to what this large and sudden increase in the income of Civil business is attributable; suffice it to say, that the efforts of the agency employed have been successful in preventing any such accumulation of arrear as to justify apprehensions for the future efficiency of the administration, and in exhibiting files, free from the encumbrance of long standing cases: the oldest case in the Judge's Court, which remained undecided at the end of 1845, was instituted on the 3rd May, and the majority of the business, pending in the inferior Courts at the same period, was of recent institution, no case, either regular or miscellaneous, being of older date than the year, to which these remarks relate, a result, which may be pronounced satisfactory and creditable alike to the industry of the subordinate officers, and to the Judge, who states it to have been his practice, on observing cases of long standing, "to issue orders to the Lower Courts to take immediate steps to expedite their decision, or to explain the cause of delay." The Court desire to express their approbation of Mr. Tyler's successful endeavors to maintain unimpaired the efficiency, introduced by his predecessor in all branches of the Civil administration of this District.

58. Mr. W. H. Tyler received charge of this Judgeship on the 5th January 1845, and remained uninterruptedly in charge throughout the period under report, decided on trial 222 regular suits, all but one of which were Appeals, and passed orders on the merits of 715 miscellaneous cases, of which 217 appertained to the matters classified under the first 14 Headings of Statement No. 2, and comprised, among others, 34 petitions for Summary Appeal, 107 Petitions of Appeal under Regulation VII. of 1825, 22 petitions of miscellaneous and interlocutory Appeal, and a few applications from paupers; when the year ended, no more than 72 regular suits awaited disposal, and of these, as above noted, the oldest was brought on the file in May, while in the miscellaneous department no case had been pending more than 7 months. In the matter of expedition, therefore, it may be said there is little or no room for improvement, and it would be well if in all the tribunals, subject to the authority of the Court, the same activity were exhibited—171 days were employed in the Civil Court, and 79 days were devoted to Session and Criminal duties, which in the year 1844 occupied only 62 days; 44 cases were tried in accordance with the provisions of Regulation VI. of 1832, and the decisions passed were in all but 3 instances conformable to the opinion, delivered by the parties engaged, so that even in this District, where the Law in question has been more generally and extensively introduced than elsewhere, its operation is but very limited, and would seem, on comparison with the facts exhibited in past reports, to be on the decline. I am desired to add, with advertence to some remarks in the 59th paragraph of the Court's last report, that the forms of Registers, devised by Mr. Cartwright for the use of the subordinate Courts, were submitted by his successor during the past year, and were, after revision and the introduction of such modifications as appeared to the Court desirable, forwarded, with a paper of remarks and instructions, for the consideration of the Sudder Dewanny Adawlut, from whom hitherto (6th May 1846) no communication on the subject of them has been received:* it is hoped, that the Court may shortly be able to circulate these forms, for they will tend to abridge the labor, now devolving on the ministerial establishments of the Lower Courts, the numerical inadequacy, and insufficient remuneration of which are becoming daily more manifest. Of two cases, that came before the Sudder Dewanny Adawlut in Special Appeal from Mr. Tyler's decision, one was sent back by remand, and the other terminated in the dismissal of the Appeal.

* NOTE—Since these remarks were written the Calcutta Court have expressed their concurrence in the views entertained by this court and the C. O. has been issued.

59. In the Court's reports for the last two years the official merits and qualifications of Mr. Mercer, the Principal Sudder Ameen of this district, were unfavorably represented, reason being found for impugning the legality of his proceedings and the correctness of his judgment, and serious disorder in the internal economy of his office being detected, and a

hope was entertained and expressed that he might be able at no distant period to efface the impressions, that events then recent had created: it is, therefore, with much satisfaction, that the Court find themselves in a position to commend Mr. Mercer's personal assiduity, as exhibited in the returns under notice, and to report that, not only has the dilatory mode of procedure, formerly ascribed to him, been in a measure corrected, but that the irregularities, which were not infrequently observable in his miscellaneous proceedings, have ceased to appear, and that "his work in general is expeditiously dispatched." It is found, on reference to the Tabular returns, that Mr. Mercer decided on trial 242 regular cases, of which 217 were original suits, and 25 Appeals, and disposed, after investigation of the merits, of 473 miscellaneous cases and petitions under the fourteen important Headings of Statement No. 2, his activity in giving execution to the decretal orders of the Court being particularly remarkable; in both departments the business transacted largely exceeded that accomplished in 1844, when Mr. Mercer's performances were limited by the limitation of work instituted and referred to his Court, and the arrear, depending at the end of the year, has only not undergone reduction, because, in the regular department, the cases composing it were all of recent institution, none being of date anterior to 26th August 1845, and nearly a moiety of the whole number were Appeals, transferred to his Court for trial and decision towards the close of 1845; and because, in the miscellaneous department, the income of business so largely exceeded that of 1844, as to call for the exertion of much industry in its prompt and punctual disposal; it must also be borne in mind, that the services of Mr. Mercer are reported to have been largely availed of in the disposal of Criminal trials, falling within his competency, and made over to him by the Magisterial authorities for that purpose, although the exact degree, in which his aid was called into requisition, cannot be ascertained in the absence of the Criminal statements for the past year, which have not yet been received in this office. That Mr. Mercer has zealously endeavoured to redeem his official reputation from the discredit, to which his proceedings during 1843 and 1844 well nigh consigned it, may be further inferred from the better result, with which Appeals from his decisions have been attended, a result, betokening certainly more carefulness in the investigation, and the exercise of a sounder judgment in the decision, of the cases brought before him, his judgment having been affirmed in 41 out of 60 cases, that were subjected to the Judge's revision; neither was the issue of 3 regular appeals, brought before the Sudder Dewanny Adawlut, unfavorable, seeing that the only one, which went to decision, ended in the confirmation of the Principal Sudder Ameen's decision, and that of the other two, one was dismissed, and the second adjusted. How far the large proportion, borne by Appeals preferred to the number of decisions pronounced on contested suits, should interfere with the deduction of the above conclusions, must remain doubtful, reference being had to the 4th paragraph of the Judge's Report, in which that officer ascribes the circumstance "in some measure to the description of cases, received by Mr. Mercer from the Moonsiffs, who, when ordered to transfer a certain number of cases, took the opportunity of sending the suits of those parties, who were known to be of a litigious disposition;" Mr. Tyler has been informed, that, so far from allowing the Moonsiffs to use their own discretion in the selection of cases, ordered to be transferred to another jurisdiction, the Judge should specify by their numbers the suits, that are to be made over for trial to another officer, being guided in his choice by the principle of retaining old suits, ready or nearly ready for hearing and adjudication, on the file of the transferring Court, and making over those of recent institution to the other tribunal. On a review of Mr. Mercer's official conduct during the past year, and on consideration of the testimony borne to his assiduity, and the general correctness of his proceedings, the Court think it just to withdraw the bar, which has operated for some time past to prevent his elevation to the superior grade of Principal Sudder Ameens.

NOTE—Since these remarks were written the statements have been received and shew that Mr. Mercer, decided 111 Criminal trials, and disposed of 206 miscellaneous applications, petitions &c.

60. By the six Moonsiffs, attached to this jurisdiction, 2128 suits were brought to decision on trial, the prescribed minimum of annual decisions having been surpassed by all, except the Moonsiff of Kaemgunge, who nearly approximated to it, his failure being owing to no defect of industry, or to any other cause, than the paucity of suits originating within the limits of his division; and in the miscellaneous department, orders were passed on the merits of 5475 cases, inclusive of 601 applications for execution of Decree, which were struck off after complete enforcement, and 1117 others, disposed of by a partial settlement of the adjudicated claim. The number of regular suits, determined on the merits, is large, and yields the high annual average of 354 to each Officer, but it should be noted, that of these 348 were tried exparte, and 953 were decreed on confession of judgment, these two items constituting more than half of the aggregate; adverting to the desire of the Court, as expressed in the 62nd paragraph of the report for 1844, Mr. Tyler has endeavored to explain the cause of the large proportion of suits thus disposed of, and having examined the records in many of them, declares his inability to account for the frequency of Ikbal Dawas otherwise than by reference to the practice, prevalent among money lenders, generally, of resorting to the Civil Courts, as the most efficacious instrument for enforcing the liquidation of the debts due to them, their debtors being by this means compelled "either to settle the matter amicably, or to confess judgment," with the view of conciliating the person, from whom they have been in the habit of receiving accommodation, and securing a continuance of his good offices; in regard to exparte cases, the Judge has satisfied himself, that all legal precautions in the service of notice and proclamation on the parties sued, are strictly observed, and has stated, as evidence of the absence of fraud or collusion in cases decided on Ikbal Dawa, that not a single Appeal from orders, founded on such document, was preferred during the period under notice. The only decided exception to the generally satisfactory account given of those functionaries by Mr. Tyler, is in the case of Ghoolam Moheeooddeen, Moonsiff of Chubramow, who has in former reports been unfavorably noticed, and is said by the Judge to have become quite incapable of discharging the responsible duties of Moonsiff, either with credit to himself or advantage to others; it is, therefore, a subject of congratulation that the period of his service was such, as to give him a title under the rules to the benevolence of Government, and that, his character being sufficiently respectable, he was permitted on the 6th December to retire from the judicial department on a pension. Of the general intelligence, acquirements and official merits of the other Moonsiffs, a favorable impression is received from a reviewal of the past year's operations, whether the quantity of business, dispatched, or the quality of their decisions, as inferrible from the details exhibited in the Appeal Statement, be regarded. A reference to the memorandum, given in the margin,* will shew that, generally, a good judgment has been exercised by these functionaries in the decision of the cases coming before them, and that the judgment of Momin Alee, the 2nd Moonsiff of Furruckabad, of Hydr Alee, Doondwara, and of Gunput Rae, Kunouj, is particularly conspicuous; without entering into any irrelevant detail, it may be thought sufficient to add, in regard to these officers, that Momin Alee has been at his own request removed to Shajehanpore since the commencement of the present year, having maintained under the present Judge the very high character ascribed to him by his predecessor, that Hydur

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
Akbar Alee, Moonsiff of Furruckabad, ...	50	34	16	32·00
Momin Alee, Ditto, ...	38	30	8	21·05
Hydur Alee, Moonsiff of Doondwara, ...	9	8	1	11·11
Kurm Alee, Moonsiff of Kaemgunge, ...	18	12	6	33·33
Ghoolam Mooheeooddeen, Moonsiff of Chubramow, .	31	21	10	32·25
Gunput Rae, Moonsiff of Kunouj, ...	40	34	6	15·00
	186	139	47	25·26
By Judge, ...	161	127	34	21·11
By Principal Sudder Ameen, ...	25	12	13	52·00

Alee Khan is considered worthy of promotion, both on account of his general respectability, and his judicial qualifications, and that the industry and ability of Gunput Rae are well thought of by his immediate superior, who commends his "judgments" as being "clear and good."

61. A statement, exhibiting the expense, incurred by Government in the maintenance of the Moonsiffs' Courts, and the amount realized by the sale of Stamps filed, is subjoined, and is satisfactory in shewing that the revenue, derived from that source, is more than sufficient to indemnify the Government for the outlay, which the judicial wants of the district necessitate.

Moonsiffee.	*Cost of Establishment.*			*Amount realized by Sale of Stamps.*		
1st Moonsiff of Furruckabad, ...	2280	0	0	....	2878	8 0
2nd Ditto of Furruckabad, ...	2280	0	0	....	3460	8 0
Ditto of Doondwara, ...	1680	0	0	....	1407	0 0
Ditto of Chubramow, ...	1610	0	0	....	2410	4 0
Ditto of Kaemgunje, ...	1680	0	0	....	1687	0 0
Ditto of Kunouj, ...	1680	0	0	...	2217	8 0
Rs.	11210	0	0	....	14060	12 0

The only obstacle, which was opposed to the revision of the subordinate jurisdictions, having been removed by the completion of that revision in the revenue department, as reported by the Sudder Board of Revenue under date the 16th July last, it is expected that the required report* on the subject will be shortly submitted, and that before another month shall have elapsed, the adjustment, which Mr. Tyler may think it desirable to recommend, will, provided that it be of a nature to fulfil the objects contemplated by Government, have been carried into execution. The condition of the record department, as reported on a former occasion, is unexceptionable, and a pledge is given that the efficiency, introduced by the late incumbent in this Judgeship, shall be maintained.

* Since received and submitted to Government.

62. I am directed, before closing this section of the report, to advert to the subject treated of in the 27th paragraph of the Judge's report, which is important, as affecting the executive efficiency of the Civil Courts, so important in the estimation of the Court, that a Circular Order has been issued regarding it. The matter relates to the difficulty, experienced by Decree-holders in obtaining possession of the property, judicially awarded to them, by reason of parties, on execution being sued out, coming forward, and asserting their own possession in opposition to that of the person, against whom judgment may have issued—and by reason also of the rule, laid down in Construction, No. 744, that the objector cannot be ousted, save by judgment pronounced in a regular suit. The Court are anxious in every legitimate manner to make it known, that the remedy for this evil is in the hands of those who are represented to suffer from its prevalence, that it is in the power of every suitor by timely application to the Court, in which his suit is pending, to prevent the fraudulent alienation of the defendant's property for the purpose of avoiding the execution of an eventual judgment, and that it must not be attributed as a fault to the Courts, or to the rules, by which their proceedings should be guided, if litigants suffer themselevs to be defrauded by neglecting to avail themselves of the protection, which the Law affords. Section 5, Regulation II. of 1806, empowers the Judge, whenever, "he may be satisfied by sufficient proof, "there is ground to apprehend the defendant means to dispose of the property in his posses- "sion by any private transfer &c. to call upon the defendant for Malzaminee security"

or "to cause the attachment of any land, effects, or other property, belonging to or possessed by defendant, the attachment of which may be deemed necessary to secure the execution of the judgment to be passed in the case," and it has been ruled by the Court on a former* occasion, that the purpose of a defendant in pursuing a certain line of conduct must be determined by the tendency and effect of that conduct, that, if a defendant be found to be making away with his property in either of the three ways, described in the regulation, and it be established, that the effect of this act will be to defeat the execution of an eventual judgment against him, such a fact would be a sufficient proof that such was the object and purpose of the defendant in pursuing that course, or, at any rate, it would furnish "ground to apprehend" that such was his purpose, which is all that the Law requires. It seems to the Court, that this enactment provides a sufficient protection to suitors against the fraudulent alienation of property during the dependance of a Civil action, and that it is not universally availed of must be ascribed to the ignorance and incapacity, generally, of Pleaders; opportunity has been taken to point out that the power of attaching the property of defendants has been extended to Moonsiffs by Section 3, Act VI. of 1843, and that the proper mode of making such attachments is described in paragraph 4 of Circular Order, Sudder Dewanny Adawlut No. 50, dated 17th Februray 1816, extended and made applicable by Construction No. 916, to cases of attachment under Section 5, Regulation II. of 1806.

* v. para: 85, Court's Printed Report for 1842.

63. The Court are satisfied with the management of this District during the past year.

MYNPOOREE.

64. The income of Civil business was considerably larger during the past year, than in that which preceded it, 424 more suits having been brought on the files of the several Courts, but the Officers engaged would seem to have applied themselves with becoming industry to their duties, and have succeeded, by finally disposing of 348 more suits than in 1844, in preventing the accumulation of a large arrear; the number of suits, which remained undecided at the end of 1845, was larger only by 62 than that, which composed the arrear on the regular file at the close of 1844, notwithstanding the largely increased income of business, above noticed. It should be added, in proof of the expedition, with which business is dispatched in the Courts of this District, that the arrear of longer standing than a twelvemonth comprised but one original suit, which had been remanded to the Principal Sudder Ameen's Court for re-investigation or re-trial in November, and three Appeals on the Judge's file, which have since been determined, while in the miscellaneous department the state of things was equally satisfactory, as the only cases, 13 in number, which had been depending for more than a year, when 1845 ended, related to the property of persons dying intestate, and awaited the expiry of the period of expectancy, prescribed by Clause 7, Section 16, Regulation III. of 1803; of these 10 have been since brought to a conclusion. These results are considered by the Court to reflect credit on the exertions of the Judicial Agency employed in this District.

Judge.	
Headings, Nos. 1 to 14	191
" " 15 to 17	510
	701

Principal Sudder Ameen.	
Headings, Nos. 1 to 14	342
" " 15 to 17	1588
	1930

65. The Government are aware, that the Civil business devolving on the higher Courts of this District is light, and that, save in the department of Criminal Justice, there is little room for the exhibition of more than ordinary industry: it appears accordingly, on reference to the Tabular returns, that Mr. C. F. Thompson, the Judge throughout the period under review, was occupied for 145 days in the hearing of Sessions trials and Appeals from the orders of the magisterial authorities in Criminal cases, and that his performance

on the civil side were restricted to the decision on trial of 94 regular cases, of which one only was an original suit, and the disposal by orders on the merits, of 585 miscellaneous cases, of which 117 appertained to the first 14 Headings of the Statement No. 2. The work, dispatched, falls short in both branches of that accomplished in 1841, although during the period under notice nothing occurred to interrupt the Judge's labors, but it is clear from the state of the files, both regular and miscellaneous, the former of which exhibited but 33, and the latter only 29 depending cases, that more could not have been done, even had the large demands upon Mr. Thompson's time and attention, as Judge of Sessions and Criminal Appeal, admitted of more than 84 days being devoted to civil duty: the Judge was incapacited by illness for attending office during 18 days. One case, tried with the aid of a Punchayet under Regulation VI. of 1832, was decided in accordance with the award delivered by that body, and there is nothing in the Judge's report to shew, why the enactment in question had not a more extended operation.

66. As in the Judge's, so in the Principal Sudder Ameen's Court, but few suits are instituted, and the services of that functionary are therefore available, without injury to his other duties, in the adjudication of Appeals, and in aiding the Magistrate to the extent of his legal competency, by disposing of petty criminal cases: while the Principal Sudder Ameen's files are thus replenished and occupation given to him, the Judge is so far relieved from civil duty, as to be enabled to dispose of the numerous Sessions trials and Criminal Appeals, referred to him, with the requisite punctuality and dispatch. Mahomed Fuzl Azeem, who was absent for 13 days in November over and above the period of the customary vacations, tried and decided 168 regular suits (of which 77 were original and 91 Appeals) and passed orders on the merits of 234 miscellaneous cases referrible to Headings 1—14 of Statement No. 2, besides disposing of 1544 other matters under the remaining headings of the same return; in the latter description of work is included the complete or partial enforcement of 127 decrees, the disposal of 105 cases, relating to the unclaimed property of persons dying intestate, and of 72 Petitions of objections, preferred to orders passed in course of executing decretal orders, an amount of business, which could not have been exceeded, seeing that but 39 regular and 99 miscellaneous cases (of which the majority belonged to the last three Headings of Statement No. 2,) awaited decision, when 1845 came to a termination. The Principal Sudder Ameen is stated in the Judge's letter (for the Statements of the Magistrate's Court for the past year have not been received) to have "disposed of 60 criminal cases, regular and summary." Although Mr. Thompson has neglected—or perhaps inadvertently omitted—to record any decisive opinion respecting the qualifications of Mahomed Fuzl Azeem, whose recent elevation to this high and responsible office should have suggested the propriety of such opinion being expressed, the Court infer from the issue, with which Appeals from his decisions were attended, that he has patiently investigated, and judiciously determined the matters, submitted to his adjudication, inasmuch as his orders were confirmed in 11 out of 12 cases that underwent the Judge's revision; it is perhaps a better test of the satisfaction, with which his decisions are, generally, received, that of 64 original *contested* suits no more than 27 or a proportion of 42·18 per cent were carried up in Appeal; this is rather below than above the usual average.

67. Mr. C. F. Thompson's judgment was affirmed in one case, that came before the Sudder Dewanny Adawlut in Special Appeal.

68. Of the five Moonsiffs, who compose the inferior judicial agency of this jurisdiction, and who collectively passed decisions after trial on 1356 suits (more by 233 than in 1844) none but the Moonsiffs of Mynpooree and Phuppoond succeeded in attaining to the prescribed standard of annual decisions, this issue being occasioned by the paucity of suits instituted, and, in the case of Shekoabad, by the vacation of the office for a period of nearly five months, consequent on the retirement of the late incumbent, which was announced in

the 70th paragraph of the last Report, and on the delay in the appointment of a successor, who did not join until the 5th November. Of the cases decided, as above, 207 were tried exparte, and 655 on confession of judgment, and, when the year closed, the aggregate arrear on all the files comprised but 415 cases, all of which were instituted within the year under report; the small accession of 58 to the number of depending cases, as compared with the state of the files at the end of 1844, may be accounted for by the increase, observable in the income of business, and cannot, with advertence to that fact, to the interruption just noticed and the vacation of the Suhawur Moonsiffee from the 1st January until the 9th February, be made the ground of an opinion, unfavorable to the diligence of the Officers concerned. The miscellaneous department has likewise received adequate attention, 447 decrees having been fully executed, and 358 others partially enforced, while 530 applications were struck off on the failure of the decree-holder to proceed in the matter, and the Judge, it is satisfactory to add, certifies that, on examination of several cases of every description, he found no "great irregularities:" such lesser deviations from established practice and such omissions, as fell under the Judge's observation, were pointed out for future avoidance. At the end of 1845 the number of applications for execution of decree, which awaited disposal, was smaller by 37 than at its commencement. The result of 171 Appeals, tried by the Judge and Principal Sudder Ameen in the proportions noted marginally, conveys a favorable opinion of the judgment, exercised by the Moonsiffs of this jurisdiction in the determination of the cases, brought before them; the Judge would seem to have, generally, made over to the Principal Sudder Ameen for adjudication those cases of Appeal, in which the propriety of summoning the respondent appeared probable, and thus the different issue, with which the cases, revised in the two local appellate tribunals, were attended, is sufficiently explained.

	Tried.	*Confirmed.*	*Reversed.*	*Percentage on reversals.*
By Judge, ...	80	66	14	17.50
By Prinl. Sud. Ameen,	91	55	36	39 56

69. The sum realized in this District by the sale of stamped paper, filed in the Moonsiffs' Courts, falls short of that expended by Government in their maintenance, as shewn in the subjoined Statement.

Moonsiffee.	*Cost of Establishment, &c.*	*Amount realized by the sale of Stamps.*
Moonsiff of Mynpooree, ...	1680 0 0	1552 6 0
Ditto of Shekoabad, ...	1648 0 0	1019 14 0
Ditto of Suhawur, ...	1605 0 0	1213 10 0
Ditto of Etawah, ...	1680 0 0	1504 4 0
Ditto of Phuppoond, ...	1680 0 0	2314 8 0
Rs.	8293 0 0	7604 10 0

Since the submission of the Court's Report for 1844, the Judge's propositions in regard to the adjustment of the jurisdictions of the Moonsiffs' Courts have been under consideration, but the information, which the papers conveyed, was insufficient to enable the Court to come to a decision on the matter, and the arrangements suggested seemed to be susceptible of improvement: their execution has been postponed, pending the Judge's reply to enquiries made under date the 27th April last. The records, which are arranged according to jurisdictions, and the years in which the several cases were decided, are reported to be in good order: no other remarks, relative to the administration of Civil Justice in this District during the past year, would seem to be called for.

CAWNPORE.

70. With an increase of 325 in the number of regular suits, brought on the files of the several Courts in this District during the past year, an increase likewise in the number of cases finally disposed of, to the extent of 182, occurred, and at the close of 1845 there were 145 more cases awaiting decision than at its commencement; for this increase no particular reason can be assigned, unless indeed the absence of the Sudder Ameen for the most part of the last three months of the period under review, and the interruption, caused by the continued indisposition and consequent absence of the Moonsiff of the 4th Division, be thought sufficient in some measure to account for it; whatever may have been the cause of this accession to the arrear on the general file, it is not so considerable as to afford ground for the imputation of remissness to the officers concerned, or for any apprehensions as to the future efficiency of the administration, and the Court may therefore be permitted to dispense with further comment on the subject. It is true, that among the suits, which remained undecided, there were 13, according to the distribution given in the margin,* which had been pending for upwards of a twelvemonth, but of these the majority had been remanded either during the 3d or 4th quarter of the past year, and in the proceedings, held to prepare them for adjudication, no delay, that was avoidable, was thought by the Judge of this Court, who revised the periodical returns, to have been permitted except in one instance, which received proper attention at the hands of Mr. Harington, who was at the time officiating Judge of this District; the miscellaneous arrear of the same description was not large, consisting of 31 cases on the Judge's file, of which 28 awaited the expiry of the period allowed by law for the appearance of claimants to the property of persons dying intestate, and 3 applications for execution of decree before the Sudder Ameen, who, but for his absence towards the close of the year, as above noted, would most probably have succeeded in disposing of them. Mr. Spiers remarks (and the Court think, with justice) relatively to cases of longer standing than a twelvemonth, that "the end of the year is perhaps as unfavorable a time to take account as any other could be, for the Courts owing to Holidays can do little or nothing from the end of September till after the full moon about the middle of November, the large fairs at that time following so closely on the Dusserah vacation, as to render it difficult to get either parties or witnesses to attend;" nevertheless in other Districts, where the same causes must be presumed to be in operation, the arrear older than a year is, generally speaking, numerically smaller than in Cawnpore.

Judge.	
Headings, Nos. 1 to 14	752
" " 15 to 17	5895
	6647

Principal Sudder Ameen.	
Headings, Nos. 1 to 14	329
" " 15 to 17	1039
	1368

* Principal Sudder Ameen,	2
Sudder Ameen,	6
Moonsiff of 1st Division,	1
Judge (Appeals,)	4
	13

71. Mr. Spiers, who continued to preside in the Judge's Court until the 21st December, was occupied for 98 days (as in 1844) in the performance of Sessions and Criminal duties, and was prevented from attending Court for 4 days either by extra-judicial business, or other cause: during 160 days, that sittings on the civil side were held, 223 regular suits, of which only one was original, were brought to decision on trial, and orders were passed on the merits of 637† miscellaneous cases under the first 14 Headings of Statement No. 2, the latter item being composed chiefly of 53 petitions for Summary Appeal, 73 petitions of Appeals under Regulation VII. of 1825, 131 petitions of miscellaneous and interlocutory Appeal (formerly aggregated with the entries in Heading 17) 100 applications from paupers, and 216 notices for the redemption and foreclosure of mortgage under Section 8, Regulation XVII. of 1806; this epitome of the business dispatched seems to call for no remark, save that it bears testimony to Mr. Speirs' personal diligence in the same degree, that the general result of the operations in the Lower Courts reflects credit on the care and activity of his supervision.

† By Mr. Spiers,	616
By Mr. Harington,	21

In commenting on Statement No. 7, which shews one case to have been decided in opposition to the award of a punchayet, and three in accordance with the verdict of a jury, convoked under Regulation VI. of 1832, Mr. Speirs notices the delay incidental to the employment of a punchayet, and expresses an opinion in favor of allowing parties "without instituting regular suits, to come to Court, and state the subject in dispute, which they might wish to have decided," and of authorizing the Courts "after seeing that the subject of dispute was clearly stated and that both parties agreed, to issue an order to the punch in the usual mode, and, when decided, to execute the award, as if it had been a decree of Court;" the Court have declared their inability to concur in this proposition; they have remarked, that delay must always be incidental to the employment of agency, whose aid is other than compulsory, and that, whatever may be thought of authorizing coercion in respect of assessors and jurors on criminal trials, they cannot advocate the same severity in regard to arbitrators assembled for the adjustment of a dispute concerning property; it does not appear probable, that, under the plan suggested by Mr. Speirs, claims would be more speedily adjusted, or more equitably determined, than under the system authorized by Regulations XXI. of 1803 and VI. of 1832, or that any good result would follow, were the rules, enacted by Regulation VI. of 1813, for the reference to arbitration of contests regarding landed property, &c. specially, extended to disputes about accounts, pecuniary transactions and other matters of the same sort, generally: the Regulations cited make ample provision, in the opinion of the Court, for all cases, which it would be advisable to subject to arbitration, and if the members of the arbitration suffer unreasonable delay to occur in the delivery of their award, it is always lawful and easy for the presiding judicial officer to dispense with their aid, and to proceed to an independent judgment on the matter at issue.

72. In the Principal Sudder Ameen's Court, administered throughout the period under review by Khadim Hossein Khan, 161 regular suits, 68 being original and 93 Appeals, were brought to decision on their merits, and 233 miscellaneous cases, inclusive of 147 applications for execution of decree, struck off after full or partial enforcement, were investigated and determined, the work, it thus appears, falling short, as regards quantity, of that accomplished in 1844, whether in the regular or the miscellaneous department: it should here be noted that of the 96 cases, which remained for future disposal at the close of 1845, 40 were Appeals transferred to the Principal Sudder Ameen's Court for trial in December, and that the duties of the miscellaneous department would seem to have received adequate attention, seeing that the arrear was but little larger than at the end of 1844, and that it comprised no cases of older date than the period under report. The occasions were not rare, on which the Judge of this Court, on whom the duty of reviewing the periodical Statements from this District devolved, felt it needful to reprehend the Principal Sudder Ameen's inattention to the preparation of cases for adjudication, and to complain of the inefficiency of his controul over the Vakeels, practising in his Court, circumstances, which were thought to have interfered in some measure with the quantity of business dispatched, and to have been instrumental in protracting the duration of many cases in his Court: Mr. Spiers, having examined the record of a few cases step by step, considered that they had not been properly conducted in their early stages, and having communicated his remarks and opinion to the Principal Sudder Ameen, now indulges the belief that, "in some respects greater attention is paid to the preparation of cases, and that delays on the part of agents are punished," opinions, which the Court hope to see confirmed by the results exhibited in future returns, and by the character of the Principal Sudder Ameen's proceedings in cases, which may pass under their review in Appeal. Khadim Hossein Khan decided 32 criminal cases, and disposed of 141 miscellaneous applications and petitions in the same department. As in former years, so during that under report, the proportion of Appeals brought to obtain reversal of this Officer's decisions was large, and the issue of a nature to shew, that there was good cause for dissatisfaction with his judgment; 22 cases, which were decreed exparte or on confession of judgment,

being deducted as commonly affording little ground for Appeal, Khadim Hossein Khan passed orders on 46 contested original suits, and the number of regular Appeals instituted before the Judge and Sudder Dewanny Adawlut amounted to 49, that is to say; 40 in the former, and 9 in the latter, Court; in other words, it would seem, every decision pronounced by the Principal Sudder Ameen is subjected to revision in Appeal; the issue of those, determined during the past year, though more favorable than that represented in the Report for 1844, cannot be said to denote the exercise of a good discretion in the decision, or of patience in the investigation, of matters, requiring judicial determination at his hands, but a considerable improvement, it is satisfactory to remark, has taken place in the result of miscellaneous Appeals, only 13·95 per cent of those tried having terminated in the reversal of the Principal Sudder Ameen's order, whereas in 1844, 22 out of 36 of his decisions in such cases were interfered with. The Court still entertain a hope, that with enlarged experience in judicial business, the Principal Sudder Ameen's judgment may improve, and that he may acquire a reputation, not only for personal industry, but for fair ability, likewise, and intelligence in the performance of his duties.

Regular Appeals.		Appeals under Reg. VII. 1825.		Appeals under Reg. XXVI. 1814.		Miscellaneous Appeals.	
Confirmed.	*Reversed.*	*Confirmed.*	*Reversed.*	*Confirmed.*	*Reversed.*	*Confirmed.*	*Reversed.*
29	19	6	7	4	6	37	6

39·58 per cent of reversals.

73. Of 3 Special Appeals, heard by the Sudder Dewanny Adawlut from the Judge's Court, one ended in the reversal of Mr. Speirs' decision, and the other 2 in the cases being remanded; while of 11 Appeals (9 regular and 2 special) from the orders of Khadim Hossein Khan, Principal Sudder Ameen, two were dismissed and one adjusted, his judgment was reversed in 2, modified in 3, and in the remaining 3 the cases were remanded.

74. Pundit Saligram, the Sudder Ameen of Cawnpore, Officiated as Moonsiff of the 4th Division from the 14th May until the 9th September, retaining charge, at the same time, of his proper office, and discharging the duties, devolving on him, with diligence and carefulness: in the Sudder Ameen's Court were decided on trial 109 regular suits, and 455 miscellaneous cases, including 186 cases of execution of Decree (in all of which the demand was either fully or partially satisfied) were disposed of after investigation of the merits, but this does not represent the whole measure of Saligram's personal exertion, seeing that, in the capacity of Moonsiff of 4th Division, he decided 93 regular and 155 miscellaneous cases, and that his services were made available to a small extent in the performance of Magisterial duty, 22 trials having been held and finally determined by him in that department. To the Pundit's absence for nearly 2½ months towards the close of the year it may be attributed, that both the regular and miscellaneous arrear in his Court was somewhat larger at the end than at the beginning of 1845, and that the greater portion of the cases, of longer standing than a twelvemonth, appertained to his file. The note, given in the margin, which is excerpted from the Judge's report, shews the issue, with which regular and miscellaneous Appeals from the Sudder Ameen's Court were attended, and conveys no very favorable impression of his judicial ability, notwithstanding that it exhibits considerable improvement on the results, which in the 76th paragraph of the Court's report were pronounced far from creditable.

Regular Appeals.		Appeals under Reg. VII. of 1825.		Appeals under Reg. XXVI. of 1814.		Miscellaneous Appeals.	
Confirmed.	*Reversed.*	*Confirmed.*	*Reversed.*	*Confirmed.*	*Reversed.*	*Confirmed.*	*Reversed.*
44	36	14	9	9	15	20	24

45 per cent of reversals.

Early in the year under notice an application was received from Saligram for removal in the capacity of Sudder Ameen to some District in the Lower Provinces, and was negatived by the Court with reference to correspondence,* which passed with Government on the subject of a similar request, but now† that the difficulties, opposed to the interchange of appointments, alluded to in that correspondence, would seem to have been removed, the Court would fain hope, that on the same grounds the same expectation of being eventually transferred to the Bengal Division of the Presidency may be extended to Pundit Saligram.

* v. paragraph 6, Report for 1844.

† v. Your letter, No. 1132, dated 19th March and enclosures.

75. Without more than referring cursorily to the interruption, caused by the illness, absence and subsequent removal of the Moonsiff of 4th Division, the Court desire me to express their approbation of the industry exhibited by the Moonsiffs collectively; they passed decisions after trial on 1304 regular cases, and disposed of 2156 miscellaneous cases by orders on the merits: of the former 277 were tried exparte and 470 were decreed on confession of judgment, and in the latter are included 883 applications for execution of Decree, 643 of which were struck off after full, and 240 after partial, satisfaction of the demand, in addition to 653 similar applications, which were thrown out owing to default on the part of decree-holders to proceed in the matter. The regular decisions on trial yield an annual average of 261 to each of the 5 Moonsiffs, of whom two only, those of the first and third Divisions, were able, by the income of business, to exceed the prescribed minimum of 300; of the three remaining Officers, two were prevented by the fewness of suits instituted from attaining to the above standard, while in the third office changes of incumbency occurred, which, combined with the demands on the time of Saligram, who acted in this Court for nearly four months, and the inexperience of the present incumbent, Kulub Alee Shah, appointed towards the close of the year, may be supposed to have interfered with the dispatch of business. Mr. Speirs attaches no importance whatever to the fact of many suits being brought to a close on Ikbaldawa, thinking that "many suits are brought with a view of getting the debt clearly recognized by the other party, and facilitating its realization at any period the holder may think fit," and that "few parties are sued, who from poverty or other such cases do not reply." A note is entered in the margin, exhibiting the result of Appeals from the decisions of the Moonsiffs, which, though superior to that represented in the returns for 1844, is certainly not such as to convey a favorable idea of the judgment, and knowledge brought to bear on the judicial business, brought forward in these Courts; it is true that many of the Appeals were tried by the Principal Sudder Ameen, who cannot receive credit for good judgment, if any faith be placed in the facts above (paragraph 74) mentioned, but it will be observed, that the decisions of the Lower Courts have been confirmed and reversed in nearly the same proportion by that functionary and the Judge, so that, without ascribing to the latter the want of judgment, for which the former has always been remarkable, the unfavorable opinion of the Moonsiffs, as derived from the issue of Appeals, can be held subject to no qualification on that account. According to a standard, determined by Mr. Speirs on a consideration of the issue of all Appeals, regular and miscellaneous, Itrut Hossein the Moonsiff of the 3rd Division stands first in order, but Mahomed Shookroollah, of the 5th Division, receives praise for the rapidity and the satisfactory manner, in which most of his cases are decided, and is thought by Mr. Speirs on a review of the past year's operations to be highly deserving

	Tried.	*Confirmed.*	*Reversed or Modified*	*Percentage of reversals.*
Mohmed Mootuqquo, Moonsiff of 1st Division,	57	36	21	36·84
Hufeez Alee Khan, Moonsiff 2nd Division,	24	12	12	50.00
Itrut Hossein, Moonsiff 3rd Division,	52	33	19	38·46
Mahomed Shobkroollah, Moonsiff 5th Division,	36	22	14	38·88
	169	103	66	39.05

of advancement to the superior class of Moonsiffs: of the qualifications of Kullub Alee Shah no judgment can be formed, owing to the recency of his appointment, and the small opportunity, that has hitherto offered, of subjecting his proceedings to examination.

76. The cost of the Moonsiffs' establishments in this District, and the net revenue realized by the sale of stamped paper, filed in their Courts, nearly counterbalance each other as shewn in the subjoined Statement.

Moonsiffee.	*Cost of Establishment &c.*	*Net value of Stamp paper.*
1st Division,	1980 0 0	1903 8 0
Colonelgunje or 2d Division,	1970 5 1	792 8 0
Gujneir or 3d Division,	1680 0 0	2375 10 0
Sheorrajpore or 4th Division,	829 2 5	1561 0 0
Deapoor or 5th Division,	1680 0 0	1548 0 0
	8139 7 6	8180 10 0

It is only needful to add, in regard to these Courts, that since the date of the last report the re-adjustment of their jurisdiction, as proposed by the Judge, has received the sanction of the Court and approval of Government, and the arrangements have probably ere this been carried into execution. Mr. Speirs promises to report the result of his labors in the improvement of the record department, so soon as they shall have been brought to a close: the records from 1839 to 1845 are said to be in good order.

v. My letter, No. 80, dated 21st January 1846.
Your reply, No. 489, dated 10th Feby.

77. In the 13th and following paragraphs of his Report Mr. Speirs touches upon some subjects of considerable interest and importance, whether considered abstractedly, or in connection with the collision of independent authorities, which the somewhat undefined state of the Law, affecting property within the boundaries of the Military Cantonments, renders probable; with the view of removing one of the most probable causes of such collision, the Court have recommended* to Government the collection and publication, for the information as well of residents as of the Civil Courts, of all rules issued under Section 26, Regulation XX. of 1810, or otherwise current in cantonments, and have entered into correspondence with the Calcutta Court to determine, whether the view taken by the Judge of Section 2, Act XI. of 1841 is correct or not: Mr. Speirs argues, that the rule, under which a party may be sued either in the Court of the District, where he resides, or in that of the District, within the limits of which the cause of action may have arisen, is apparently superseded, quoad residents in cantonments, by Act XI. of 1841, which seems to him to require that, though the cause of action shall have arisen beyond the bounds of cantonments, the parties in question, in cases cognizable under that Act, must be sued in the Courts of Requests. Mr. Speirs has been requested to make a separate reference on the more important questions discussed in his 16th paragraph. The Judge's 13th paragraph refers to the course, which should be pursued when a man's property may have been sold in execution of a Decree subsequently reversed in Appeal, and Mr. Speirs dwells particularly on the hardship incidental to the alienation of patrimonial property in such cases, truly observing that its price will hardly be regarded by the owner, as an equivalent for its loss under a reversed decree; it seems, however, to the Court that these hardships may be averted by pursuing the course described in the 35th paragraph of the Court's Annual Report for 1843: every man, by giving security, is able to stay execution of a Decree against him, until the judgment have been either upheld or reversed in Appeal, and no one, having property sufficient to satisfy a Decree, can be supposed to be so

* *v.* My letter, No. 811 dated 26th May 1846.

indigent as to find any difficulty in providing the requisite security; the Court, in communicating these remarks to Mr. Speirs, have assured him of their readiness to give attention to his representations, should he consider the rules, above referred to, inapplicable to the cases, which suggested his observations.

78. "The Court, before closing this section of their Report, desire me to solicit the attention of Government to the 18th paragraph of Mr. Speirs' Report and to the note, left on record by his locum tenens, Mr. Harington, respecting the absolute inefficiency of the Judge's English office: though the work in this department has been much increased of late years, and more recently by the orders of the Court dated 11th April 1845, and by the orders of the Accountant dated 16th October 1845, and, though the tendency of all innovations is still further to augment the labors of that department, yet there is but one Clerk, whose energies are overtasked, and who, in order to escape blame, is frequently necessitated to employed an assistant at his own expence. Adverting to the rule, laid down by the Government, that no augmentation of allowance for the maintenance of one part of the ministerial establishment shall be permitted, unless a corresponding reduction in some other branch can be effected, and to the frequent occasions, on which the Court's proposals of this nature have been negatived, the Court declined to subject themselves to similar disappointment in this instance by submitting a direct application, but they avail themselves of this opportunity to express their opinion, that the remonstrance of Mr. Speirs cannot be equitably disregarded, seeing that not only his private funds and those of Mr. Harington have been taxed, but the pittance, received by the Clerk, has been indented upon to provide for the performance of work, which the agency allowed by the Government is positively unable to keep pace with.

FUTTEHPORE.

79. In the 87th paragraph of the Civil Report for 1844 allusion was made to certain correspondence, in which Mr. H. Lushington, the Judge of Futtehpore had hinted at the progressive decrease of civil business, and the possibility of the abolition of this Judgeship becoming expedient, and in my letter, No. 963, dated 31st May 1845, it was stated, that Mr. Lushington would be requested to refer particularly to this subject in reporting on the administration of the year, which has just expired: as Government, however, have determined to erect a new Court House, notwithstanding Mr. Lushington's representations, and as the idea of reducing this Judgeship would not seem to have been seriously entertained, it may be unnecessary to discuss the question further.

Judge.	
Headings, Nos. 1 to 14	248
" " 15 to 17	3011
	3259

Principal Sudder Ameen.	
Headings, Nos. 1 to 14	366
" " 15 to 17	753
	1119

During the past year the income of civil business was larger than in that, which preceded it, 285 more suits having been brought on the general file, but this increase, it is proper to remark, is almost restricted to the Moonsiffs' Courts, in which no less than 1203 cases were instituted, whereas in 1844 the number did not exceed 949; the cause of this remarkable increase is explained in the 7th paragraph of the Judge's report, wherein it is stated that Syed Mahomed Khan, the late Moonsiff of Hutgaon, avowedly encouraged the zeemindars to bring suits for the recovery of land rents in the Civil Courts, in preference to the revenue Courts, "and pointed out to them the Law, which permitted such claims to be laid at one fourth of the usual valuation." The Court, in noticing this passage of the Judge's report, felt it incumbent upon them to animadvert upon the Moonsiff's conduct, which is said to have been actuated by a groundless apprehension of incurring censure for deficiency in the quantity of work performed, and to point out, that nothing can be more foreign to the duty of a judicial Officer, than to promote litigation for the purpose of securing himself from the supposed displeasure of his superiors, and preventing the abolition of his office: however

anxious the Court may be to discourage needless delay in the disposal of judicial business and to check any tendency to remissness on the part of the subordinate judges, they cannot attach blame to any functionary for "deficiency in the quantity of work performed," when a deficiency in the quantity of work instituted is the obvious cause. The industry, however, of the judicial agency employed has been commensurate with the increased income of civil business, the suits finally disposed of having been more numerous by 253, than in the year 1844, and the accession of 78 cases to the amount of depending arrear, having been clearly occasioned by the vacation, for a considerable portion of the year of the Hutgaon Moonsiffee, by a change of incumbency to be hereafter noticed, and by the very recent institution of the suits, which awaited decision in the Futtehpore Court. It is satisfactory to remark, in regard to the general file, that 2 original suits, remanded to the Principal Sudder Ameen's Court in the month of December, composed the whole arrear of longer standing than a twelvemonth in the Futtehpore District.

80. As intimated in the preceding paragraph, there was during the past year a falling off in the income of business, as regards the Judge's Court, but the incumbency in the office was more continuous, than it has been of late years, and the consequence is seen in the result of the Judge's operations, as compared with his performances in the year 1844. Mr. Lushington, who was absent on leave during the first part of the year, resumed charge on the 21st February, and devoting 188* days to the duties of the Civil Court, disposed of 195 Appeals from the decisions of the subordinate Judges after investigation, and passed orders on the merits of 208 miscellaneous cases under Headings 1 to 14 of Statement No. 2, the matters, indicated in the margin†, being included in the latter item; on the former, the regular file, there were but 30 cases awaiting determination, when the period under report terminated, and these "were not ready for decision, or they would have been decided," while in the miscellaneous department, the aspect of business was equally satisfactory, the arrear being limited to 24 cases, of which 7 only appertained to the important headings of the return, appropriated to exhibition of this description of work. The Principal Sudder Ameen, Mahomed Yoosuf Hussun Khan, who discharged the current duties of the Judge's office during Mr. Lushington's absence, took no part in the adjudication of Appeals, the number preferred being so small as to render his aid unnecessary; he would seem, however, to be entitled to credit for his performances, which comprise the determination on trial of 107 original suits, and the disposal, after investigation of the merits, of 281‡ miscellaneous cases and petitions, referrible to the first 14 Headings of the No. 2, Statement, and which could hardly have been exceeded, seeing that, when the period under review came to a close, there were but 40 cases, pending in the former, and 89 in the latter department, and that but 2 of these were, nominally of older date than a twelvemonth. Were the Principal Sudder Ameen to be judged solely by the result of Appeals from his orders, no very favorable estimate could be formed of his qualifications for judicial office, inasmuch as out of 32 cases, in which his decisions were revised by the Judge, they were either reversed or modified in 14, or 43·75 per cent, but, the Court are glad to observe, Mahomed Yoosuf Hussun Khan retains the character for integrity, which has been on former occasions ascribed to him, and is willingly accepted as a referee or arbitrator in any suit, whenever that is proposed; his decisions are reported to give satisfaction, and "parties desiring to procure an order for the removal of their "cases from the jurisdiction of any Moonsiff seem always willing, that they should be made

* 27 days were occupied both in Sessions and Criminal duties.

† Petitions for Summary Appeal, ... 24
Do. for Appeal under Reg. VII. of 1825, ... 44
Do. of miscellaneous and interlocutory Appeal, ... 30
Do. for the redemption and foreclosure of mortgage, .. 35
Execution of Decree, ... 10

‡ These comprise 156 Applications for execution of Decree, either fully or partially enforced, and 99 cases of objections, preferred in course of execution.

"over to the Principal Sudder Ameen" facts, which may be received as practical proofs of the estimation, in which he is held.

81. Mr. Lushington has diligently endeavored, during the past year, to extend the operation of Regulation VI. of 1832, and has recorded at some length, in the 10th paragraph of his report, the result of his experience, as regards this mode of adjudication; 26 cases were referred to Punchayets, and 2 were decided with the aid of Assessors, whose opinion was followed in the one case, and in the other was not unanimous; while Mr. Lushington expresses an opinion somewhat unfavorable to the former description of Agency, and, in reference to "murmurs of partiality" which "began to make themselves heard," considers that those provisions of the Law, which sanction the carrying on of investigations apart from the Court, must be availed of with caution, he pronounces the aid of Assessors to be valuable, when they are sufficiently well educated, but finds an objection to their frequent employment in the impediment, thereby occasioned, to the prompt dispatch of business, and repeats the observation, recited in the 83rd paragraph of the Court's last report, that, "it is doubtful, whether those persons, who perform the duty satisfactorily on Criminal trials, are always competent to adjudicate in civil suits." These are practical opinions, which are entitled to much weight and consideration, as proceeding from an Officer of approved ability and experience, who has perhaps given his attention more earnestly to the operation and effect of the Law under notice, than the generality of the judicial authorities have done.

82. Two special appeals were heard by the Sudder Dewanny Adawlut from Mr. Lushington's decisions, of which one was confirmed, and the other over-ruled, the case being sent back by remand; the Principal Sudder Ameen's judgment was affirmed in the only case, which came before the Court in regular Appeal during the past year.

83. There have been some changes of incumbency in the Moonsiff's Courts, which it may be advisable to mention before reviewing the result of the past year's operations. Kadir Buksh, late Moonsiff of Hutgaon, whose retirement on pensionary support was noticed in the 85th paragraph of the Civil Report for 1844, was succeeded in his office by Syud Mahomed Khan, who was compelled by severe sickness (which terminated in his decease) to abandon his post on the 7th August; the office remained closed until the 2nd November, when, in accordance with the Judge's recommendation, Emadool Hussun, the Moonsiff of Jahanabad, was transferred to the Hutgaon jurisdiction, and the former office remained vacant from the date above mentioned to the close of the period under report; more business might have been despatched, if these interruptions had not unavoidably occurred, but the Court know not, that either injury or inconvenience has ensued, or that the accession of 134 cases to the arrear on the regular file can be ascribed to any other causes, than the increased income of business, and the diminished strength of the judicial agency engaged. The business transacted in these Courts comprehended the decision on trial of 773 original suits (of which 167 were tired exparte, and 306 were brought to a close by confession of judgment) and the disposal, after enquiry into the merits, of 1379 miscellaneous cases, including 286 decrees fully, and 172 others, partially, executed: less activity is apparent in the latter department, than the returns for 1844 exhibited, but it is evident, on examination of the Tabular Statements, that there is no ground whatever for the imputation of remissness to the Officers concerned, seeing that the aggregate arrear at the close of the year under notice was smaller than that at its commencement, and that, as in the regular, so in the miscellaneous branch of business, no case of longer standing than a twelvemonth awaited determination. Of the three Moonsiffs one only, the Moonsiff of Futtehpore, succeeded in attaining to the prescribed number of yearly decisions, being indebted rather to adventitious circumstances, than to any superior industry, for this advantage, if such it may be called, over the others who are equally with him entitled to credit for their diligent application, and attention.

Mr. Lushington observes, that, after deducting the regular suits, which were decided exparte or on Ikbaldawa only 300 actually contested cases were disposed of in these Courts, adding that, "were it otherwise, the Moonsiffs would be unable to get through the work expected from them," but this is hardly a correct representation of the matter, for the standard was determined, and the expectation formed with due advertence to the circumstances, which characterize litigation in this country, and serve to diminish the labor, required for the prompt disposal of judicial business. In reference to the 11th paragraph of the Judge's report, in which he alludes to "the large number of applications for execution of Decree, struck off the file without any part of the Decree being carried into effect," in terms, which betoken an impression on his mind, that this must be regarded as an unfavorable result, the Court have remarked, that, though the general and very in-frequent occurrence of this circumstance is certainly a subject of regret, yet no blame can attach to the judicial Officers on that account, nor can any fault be ascribed to the system, by which their proceedings in such cases are governed: if Decree holders think fit to neglect their own interests, or relax in their efforts to obtain enforcement of the awards made in their favor, no good purpose can be answered by retaining their applications on the file, and, if twice 412 cases had been struck off on default during the past year, no actual detriment could have followed.

84. The marginal* memorandum exhibits the result, with which Appeals from the decisions of the Moonsiffs were attended in the Judge's Court, and represents the judgment of Nundloll and the late Moonsiff of Hutgaon, Syud Mahomed Khan, in a satisfactory light, but it does not reflect equal credit on the ability of Emadool Hussun, who has hitherto enjoyed rather an unenviable notoriety in this District; it is due, however, to the latter functionary to remark that of the Appeals, which terminated in the reversal of his decision, 7 were made over to Punchayets under Regulation VI. of 1832, one to arbitration, and one was tried with the aid of Assessors, and that, had these cases been determined by the Judge without this auxiliary agency, the issue might possibly, nay probably would, have been very different; in respect of these several cases Mr. Lushington states, that those, referred to Punchayets, were all connected "with book debts and small bond debts," exceedingly short and simple, and seldom presenting any points, on which the opinion of a Moonsiff is not likely to be even better than that of an European Judge," and that, as a case decided by arbitration partakes of the character of an adjustment, no inference unfavorable to the Moonsiff's judgment can be drawn from any arrangement, which the arbitrators may recommend; Mr. Lushington, in explaining further that there was no fault to find with the Moonsiff's decision in the case, subsequently tried with assessors, has said sufficient to qualify the unfavorable opinion, deducible from the details of the Appeal statement, and to satisfy the Court, that Emadool Hussun possesses fair qualifications, and may hope, in the locality to which he has been removed for sufficient reasons, (which reflect no discredit upon him) to acquire a good reputation, and to reap the reward of official merit. Syud Mahomed Khan, who commenced his judicial career last year, is mentioned by the Judge in terms of such warm commendation, that the Court regret his decease, which occurred in December last, while of Nundloll, the Moonsiff of Futtehpore, it is noted, that his performances during the period under notice have been such, as to vindicate the propriety of the recommendation, which led to his late promotion.† The subjoined memorandum exhibits the actual

	Tried.	*Confirmed.*	*Reserved or Modified.*	*Percentage of reversals.*
* Nundloll, Moonsiff of Futtehpore,	56	38	18	32.14
Syud Mahomed Khan, Moonsiff of Hutgaon,	18	15	3	16·66
Emadool Hussun, Moonsiff of Jehanabad,	50	27	23	46·00
	124	80	44	35·48

† Para. 85 of last Report.

cost, incurred by Government during the year 1845, in the maintenance of the three Moonsiffs' Courts, as compared with the amount realized by the sale of stamps filed, and shews an excess of expenditure, amounting to 1140 12 0 or something less than the difference observable in the return for 1844.

Moonsiffee.	*Cost of Establishment.*	*Amount realized by sale of Stamps.*
Futtehpore, ...	2280 0 0	1826 8 0
Jehanabad, ...	1680 0 0	1167 10 0
Hutgaon, ...	1680 0 0	1506 10 0
	5640 0 0	4500 12 0

85. It will be gratifying to the Hon'ble the Lieutenant Governor to learn, that the voluminous correspondence, relating to the sale of unrecorded rights and interests in land (*Huq-o-Moorafiq*) in satisfaction of decrees of Court, and the laborious examination of the Lower Court's proceedings, which the enquiries of Government necessitated, have not been without their effect in correcting the irregularities of practice, that were found to prevail, and introducing sound principles of action in these matters; referring to the 12th paragraph of Mr. Lushington's report for further details, the Court will content themselves with stating on the Judge's authority, that a statement of all sales of *Huq-o-Moorafiq*, made subsequent to the date of the correspondence mentioned, did not exhibit "one single instance, in which there did not exist some ground for believing that the party, whose interests were sold, did really possess right in the property." The circumstances mentioned in the 87th paragraph of the Court's Report for 1844, preclude the hope of any material improvement taking place in the arrangement of the judicial records of this District, until the new Court House, which the Government have determined* to erect, be completed and occupied, for the evil, Mr. Lushington observes, "lies not so much in the disordered condition of the Misls themselves, as in the want of a sufficient number of racks, and of sufficient space and security in the record room;" in the meantime, the Court have recommended that the measure, sanctioned by the Circular Order No. 1210, dated 14th July 1845, be carried out, there being apparently no valid or adequate objection to the destruction of the papers therein indicated. In conclusion, I am desired to state, that Mr. Lushington has established a title to much praise, no less for his personal assiduity, than for the intelligence, zeal and vigilance, with which he has supervised the operations of the Lower Courts, and to express the satisfaction, with which the Court have viewed his removal to a jurisdiction, where the influence of an able and energetic, as well as painstaking and careful Officer, is believed to be much needed.

* v. Your letter, No. 2593, dated 21st June 1845.

BUNDELKUND.

86. The statements from this District have been submitted by Mr. S. G. Smith, with a minute left on record by his predecessor Mr. G. Lindsay, but, as this document contains little or no information in regard to the administration of the past year, or the manner, in which the subordinate Judges have discharged their respective duties, and as the present incumbent has excused himself on the ground of his recent appointment from reporting on these subjects, the Court must content themselves with epitomizing the Tabular Returns, and recording such remarks as the details represented therein may suggest. It is found that, while the income of business, generally, was larger by 191 suits, and the number before the Courts was more

JUDGE.

Headings, Nos. 1 to 14,	..	195
" " 15 to 17,	..	2650
		2845

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14,	..	314
" " 15 to 17,	..	537
		851

considerable by 68, than in 1844, the decisions on trial were fewer by 90, and the arrear depending at the end of the period under report exceeds that, which the general file exhibited at its commencement, by 185 cases; the increase both in the quantity of business brought forward, and in that awaiting disposal at the close of 1845, is almost exclusively restricted to the Moonsiffs' Courts, of which one was vacant from the 1st September to the end of December, owing to the retirement of the incumbent on a pension and the difficulty of finding a qualified person, willing to accept the office, and to this circumstance must be attributed the falling off in the amount of work dispatched, the less satisfactory condition of the general file as above noticed, and the inclusion of 2 regular suits, older than a year, in the arrear which is borne upon the returns of the past year. Mr. Lindsay endeavours in his minute to explain the cause of a *decrease* having taken place in the number of suits, instituted during the past year, but as the fact is otherwise, there may be no necessity to notice his argument, which under any circumstances could hardly be maintained.

87. It has been noticed in former reports, that the income of civil business is so light in this jurisdiction, that the rules, fixing the numerical standard of decisions to be observed in the several grades, become to the operations of all the Courts, more particularly of the two superior Courts, in a great measure inapplicable; when therefore it is stated, that the aggregate arrear on the regular file of the Judge's and Principal Sudder Ameen's Courts comprised but 55 suits, in the proportion of 31 to the former, and 24 to the latter, it will be admitted that those Officers, in deciding jointly 205 regular cases, the Judge, 80, and the Principal Sudder Ameen, 125, inclusive of 56 Appeals, performed as much work as the state of regular business on their files either demanded or permitted. The same circumstances would seem to have imposed a limit similarly on their exertions in the miscellaneous department, wherein the aggregate arrear under the first 14 Headings of Statement No. 2, did not exceed 69 cases, 117 having been decided after investigation by the Judge, and 208, inclusive of 161 decrees either fully or partially enforced, by the Principal Sudder Ameen, whose attention would seem to have been more closely devoted to this branch of work during the past year, by reason of the reprehensive remarks, which the Judge of this Court, who revised the periodical statements, conceived it his duty to record on various occasions; 2115 orders were passed by the Judge and 536 by the Principal Sudder Ameen under Headings 15, 16 and 17 of the same Statement, No. 2. It should be noted that 120 days were devoted to civil duties, and 101 to the hearing of Sessions trials and Criminal Appeals, and that, though Mr. Lindsay was relieved on the 30th November, yet, in the absence of any statement to the contrary, it is to be presumed, that his successor took no part in disposing of the business above described. Regulation VI. of 1832 was of course inoperative in this District, and Mr. Lindsay accounts for the fact by stating his reluctance to employ Vukeels who are more or less interested, or to call upon townsmen and agriculturists, who are "perfectly ignorant of the work, and, if not, are unwilling to sit" as jurors or assessors, for fear of incurring the displeasure or the enmity of those, against whom they may happen to deliver their verdict.

NOTE.—During other 14 days, Mr. Lindsay sat as Special Commissioner, and was unable to attend office for 10.

NOTE.—The Principal Sudder Ameen decided 45 Criminal cases.

88. Of 5 cases, which were revised in Special Appeal by the Sudder Dewanny Adawlut, Mr. G. Lindsay's judgment was in one affirmed, and the remaining four (4) were sent back by remand, a result, which attended 2 out of 4 (2 regular 2 special) Appeals from the Court of the Principal Sudder Ameen, whose decision was in another case reversed; the fourth was adjusted. The orders of Mooftee Goolam Mahomed, the Principal Sudder Ameen, were approved in 16 out of 26 cases, that underwent the Judge's revision, or 61·54 per cent, but the Court are not disposed, for obvious reasons, to found upon this fact any opinion of the care or the judgment, with which he discharged his judicial duties.

89. When 1844 ended, there were 110 suits awaiting future disposal in the Moonsiffs Courts, and during the past year, 1334 were brought on their files; of these 1444 cases, 162 were dismissed on default, 284 were adjusted or withdrawn, and 709 were decided on trial, 203 of the latter having been tried exparte, and 258 on confession of judgment; the deduction of these two items reduces the number of judgments given in contested suits to 218, which yields an average of about 82 to each of the three Moonsiffs, who are attached to this jurisdiction; that these performances, however inadequate to the fixed numerical standard, could not under the circumstances have been exceeded, is evident, for of the 289 suits, which composed the arrear on the files of these Courts, 180 appertained to the Julalpore Moonsiffee, which was vacated on the 31st August by the retirement* of Neamut Ashruff, the incumbent, on a pension, and was not filled up until after the close of the period under report; this, it is true, might have been avoided by transferring, as the Court suggested, a portion of the cases depending in the Julalpore Court to the other Moonsiffs for trial and decision, but there are objections to this measure, consisting in the inconvenience to which suitors are usually subjected thereby, which ought not to be lightly disregarded, and the Court are disposed to think, that the accumulation of arrear was not such as to call imperatively for the step alluded to. The work, dispatched by the Moonsiffs in the miscellaneous department, is represented by the determination, after enquiry into the merits, of 1024 cases, inclusive of 301 applications for execution of Decree, which were struck off, 236 after full, and 65 after partial satisfaction of the demand, while at the same time, it should be added, 366 others were thrown out on account of the Decree-holder's failure to proceed in the matter; the large proportion of the latter received from time to time the notice of the Court, but the Judge reported, after examining the records in cases so dealt with, that they exhibited no deviation from established rules, and there was therefore no ground for further enquiry; of 792 petitions, which were presented during the year suing out execution of Decree, 271 related to cases re-admitted after having been before struck off the file, and the inference is, as noted under the head of Scharunpore (para. 12) that Decree-holders are not withheld by the present system from resorting, a second or a third time, or even more frequently, to the Courts for aid in the realization of adjudicated claims. Luchmun Pershaud, the Moonsiff of Banda owes his superiority in regard to the quantity of business dispatched both in the regular and miscellaneous branches, to the larger income of the same in his Court, and there is no reason to suppose that more would not have been done in the other two Courts, had the state of the file permitted. In the margin is entered a Table, exhibiting the result, with which 110 appeals from the Courts were attended, and which, it seems to the Court, calls for little remark: the reversals are fewer than they were in 1844, and those, directed by the Judge and the Principal Sudder Ameen respectively, nearly tally, as regards the proportion, which they bear to the whole number adjudicated by each of them.

* *v.* my letter, No. 988 dated 3rd June 1845.
Your reply, No. 2711 dated 23rd Idem.

	Tried.	*Confirmed.*	*Reversed or modified.*	*Percentage of reversals.*
Luchmun Pershaud, Moonsiff of Banda, ... &c..	60	41	19	31·66
Mashook Alee, Moonsiff of Teroha, ...	23	17	6	26·08
Neamut Ashruff, Moonsiff of Julalpore, ...	27	17	10	37·03
	110	75	35	31·81
By Judge, ...	54	36	18	33·33
By Principal Sudder Ameen, ..	56	39	17	30·35

90. A comparative statement, shewing the amount realized by the sale of Stamped paper filed in the Moonsiffs' Courts, and the expense, incurred by Government in their maintenance, is subjoined:

Moonsiffee.	*Cost of Establishment &c.*	*Amount realized by Sale of stamps.*
Banda, ...	2280 0 0	₱991 4 0
Tevoha, ...	1680 0 0	1769 8 0
Julalpore, ...	1380 0 0	2622 0 0
	5340 0 0	6382 12 0

The jurisdictions of these Courts have not yet undergone revision, as the obstacle mentioned in the 93rd paragraph of the Courts' last report is still unremoved.

91. It is believed that the record department is still in the efficient condition, in which it was found by Mr. Tayler on his inspectional tour, but neither the present incumbent in this Judgeship, nor Mr. Lindsay has touched upon the subject in submitting the statements of the past year. Since the date of the last report no correspondence has passed, and no incident has occurred, of a nature to require notice in this place; the Court will hope to receive from Mr. S. G. Smith a fuller report of the operations of the Civil Courts during the current year at its close.

ALLAHABAD.

92. The Court, as heretofore, have every reason to be satisfied with the result of Mr. Lang's administration during the past year, as exhibited in his report, and in the returns, which accompanied it: while the quantity of judicial business before the Courts differed but little from that in 1844, the arrear was at the close of the period under report smaller by 15 suits, than at a corresponding period of the antecedent year, and comprised but one case of longer standing than a twelvemonth, that being an appeal, remanded by the Sudder Dewanny Adawlut to the Judge's file, the papers, connected with which, were not received in the local Court until after the commencement of the Dusserah Vacation. The state of the miscellaneous files at the period noted was equally indicative of well directed and industrious exertion, exhibiting no cases, of date earlier than the year under notice, and being free from any objectionable accumulation of business, as will be shewn in the subsequent detailed notice of the operations in the several Courts, comprised in this Judgeship; the Court at large fully concur with their colleague, on whom the duty of revising the periodical returns from this District devolved, in commending Mr. Lang's personal diligence, and supervising care, and in deeming the results attained, "very satisfactory and creditable to all the Officers employed."

JUDGE.	
Headings, Nos. 1 to 14, ..	386
„ „ 15 to 17, ..	4684
	5070

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14, ..	810
„ „ 15 to 17, ..	95
	905

93. In the Judge's Court, presided over by Mr. Lang during the whole of the past year, (excepting two months, when he was absent on leave, and the Principal Sudder Ameen was with* little intermission in charge of the current duties) were decided on trial 285 regular suits, of which all but one were appeals, and, when the year ended, no more than 20 cases, 16 of which were instituted on the 13th December and subsequent dates, awaited determination, facts, amply proving that judicial business is dispatched with a degree of expedition, which leaves nothing to be desired, or to be complained of, and which, if not accomplished at the expense of proper deliberation and research, argues well for the efficiency

* Mr. H. H. Thomas officiated as Judge from the 24th February to 9th March, but did not dispose of any of the business of the Civil Court.

of the tribunal, in which it is exhibited. In the same Court, 282 miscellaneous cases under the 14 important Headings of Statement No. 2, were investigated and disposed of, a large proportion thereof being composed of miscellaneous and interlocutory appeals, and of appeals under Regulation VII. of 1825, not infrequently difficult of determination; in addition to which 4692 orders were passed on the matters, classified under the remaining headings of the same statement; the bulk of the arrear, depending at the close of the year, consisted of cases regarding the property of persons dying intestate, and there is nothing in this return of a nature to contradict Mr. Lang's assertion, "that nothing has been left undone, that could have been brought to completion." Sessions and Criminal duties occupied 68 days, and sittings were held on the civil side for 176, the remainder of the year being Sundays or other close Holidays. Notwithstanding Mr. Lang's unabated perseverance but little progress would seem to have been made in extending the use of the Agency provided by Regulation VI. of 1832, in the adjudication of Civil actions, of which 32 were thus disposed of during the past year with a result, which shews, that the favorable opinion, entertained and expressed by the Judge, of the efficiency and honesty of the parties engaged is not erroneous: the decision in one suit only differed from their recorded judgment. This would seem to be the appropriate place for referring to a practice, which Mr. Lang has introduced, of canvassing in his annual reports the accuracy of judgments passed by the Sudder Dewanny Adawlut on appeals from his orders, and which the Court have in their supervising capacity thought it needful to prohibit: the discussion of such questions is not only irrelevant to the subject of the report, but is at the same time hardly respectful to the superior Court, whose decisions must be presumed to have been pronounced with due deliberation, and a sufficient comprehension of all the circumstances, calling for consideration; no less than seven long paragraphs of Mr. Lang's otherwise satisfactory letter are thus occupied.

94. Of seven regular and one special appeal, heard by the Sudder Dewanny Adawlut from this Court, Mr. Lang's decision was in 4 confirmed, in 3 reversed, and one was sent back by remand.

95. The performances of Mahomed Ruzeeooddeen, the Principal Sudder Ameen, in so far as the *amount* of business dispatched by him is concerned, are very satisfactory, comprising, as they do, the adjudication of 236 regular suits (206 original and 30 appeals) and the disposal by an order on the merits of 646 miscellaneous cases and petitions under Headings 1 to 14, of Statement No. 2, 435 applications for execution of decree and 129 cases of objections, preferred to orders passed in course of execution, being included in the latter number: the *quality*, however, of this Officer's work would seem to be inferior, which is the more to be regretted, as his character for integrity, strict impartiality and independence is deservedly held in much estimation by those, who resort to his Court and are the best qualified to judge of his merits and demerits in these respects. The absence of judicial ability is evidenced not only by the unfavorable issue of appeals from his decisions, but more strongly by the large proportion of appeals, instituted, to judgments given in litigated cases, which (30 regular appeals and 59 suits, disposed of exparte or on confession of judgment, being deducted) amounted in number to 147: of these no less than 106, or 72·10 per cent, were carried up in appeal to the superior Courts, 100 to the Judge, and 6 to the Sudder Dewanny Adawlut, and in neither tribunal was the result such, as to convey a favorable impression of the Principal Sudder Ameen's judgment, 42 out of 93, adjudicated in the former, having terminated in the reversal of the original decision, and one only of those, disposed of in the latter, having ended in its affirmation. Mahomed Ruzeeooddeen is now a judicial officer of considerable standing and experience, and may, if he cannot overcome the natural infirmity of his judgment, be expected to correct that tendency to precipitation, to which the very unsatisfactory issue just noticed is partially attributable, for he is represented by Mr. Lang to have "neglected in many cases to go fully into the points at issue," and in others "to have passed over unnoticed the pleas urged by the defendant for the plaintiff being non-suited;" next to

absolute incapacity or dishonesty, nothing can more seriously detract from the value of a judicial officer, than that inconsiderate haste, which professing to perform every thing, actually does nothing, or rather necessitates the careful revision, and re-doing of that, which purports to have been once done, and the Court cannot, this defect remaining uncorrected, conscientiously nominate Mahomed Ruzeeooddeed for promotion, should a vacancy arise.

96. Of the 4 Moonsiffs, who compose the subordinate judicial agency of this District, one, Sulamut Alee, appointed Moonsiff of Kydgunge in succession to Moulvee Kuramut Alee deceased,* joined his appointment on the 12th April, and another, Heyt Loll, transfered† from the jurisdiction of the Azimgurh Court, received charge of his office on the 17th January; the trifling interruptions, thus occasioned, have not interfered with the transaction of the heavy judicial business, which under the present system devolves upon these tribunals of low degree; 1685‡ regular suits were brought to decision by orders on the merits, at an average of 421 to each Officer, and 1677 miscellaneous cases of all kinds were likewise investigated and disposed of: it is true, that in the latter item are comprised many applications and motions of little moment, and requiring little time for consideration, but it is to be borne in mind, on the other hand, that it comprehends 849 applications for execution of decrees, fully enforced, and 438 others partially settled, besides 211 petitions of objections and claims preferred in course of execution, and various cases of resistance to the process of the Courts, and it is undeniable, that in the prompt disposal of this mass of business, praiseworthy industry has been exerted. It is owing perhaps rather to adventitious circumstances, such as his location in the city, and the institution of more business in his Court, that the performances of Syud Abdoollah greatly exceed those of his brother Moonsiffs, who, if they be second to him in ability, receive equal credit with him for unabating diligence and zeal; his superiority in the one respect is testified by the annexed extract from the appeal statement, which exhibits in detail the result, that attended the reviewal of cases decided by these officers in the appellate Court; the issue, as it regards three of them is without question unfavorable, but it is to observed in regard to one of the three, Sulamut Alee, that he entered upon judicial duties only in April 1845, and that "the errors in his decisions" are considered by Mr. Lang to have resulted from "his inexperience as a Judge, and not from any want of sound judgment," while, as respects Heyt Loll, who is said to have conducted the duties of his office with perfect integrity, nothing can be added to the remarks recorded in the 117th paragraph of the Court's Report for 1844; it is hoped that with increased experience and more enlarged observation he will eventually prove to be as efficient, as he is admitted to be honest, and disinterested. The character and qualifications of Jugernath, late Moonsiff of Phoolpore, have been already alluded to in a preceding part of this Report under the head of Mynpooree, to which district he was removed at his own request, and where he would seem to have given more satisfaction, than he had before succeeded in doing in subordination to Mr. Lang.

* *v.* Paragraph 99 of last Report.

† *v.* Paragraphs 100 and 117 of last Report.

‡ Of which exparte, ... 488
Confession of judgment, ... 439
927

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
Syud Abdoollah, Moonsiff of City, ..	40	28	12	30 ·
Kuramut Alee, Moonsiff of Kydgunje, ..	26	16	10	38 · 46
Sulamut Allee, Moonsiff of Kydgunje, ..	51	26	25	49 · 01
Kanjee Suhae, Moonsiff of Munjunpore, ..	47	27	20	42 · 55
Jugurnath, Moonsiff of Phoolpore, ..	11	4	7	63 · 63
Heyt Loll, Moonsiff of Phoolpore, ..	43	20	23	53 · 48
	218	121	97	44 · 49

97. Since the submission of the last report the jurisdictions of the Moonsiffs' Courts have undergone revision, as reported in my letter, No. 654, dated 5th April 1845, and all the

objects, contemplated in the Resolution of Government dated 30th October 1837 have been accomplished, as far as considerations, connected with the judicial wants of the district, and the convenience of the litigant community, would permit; these jurisdictions do not, it is true, comprise complete Tehseeldaree divisions, or even integral pergunnahs, but this deviation from the rule, which the Government desire to see observed, has been necessitated by the impossibility of otherwise securing an equal distribution of labor.

98. The cost of the several Moonsiff's Courts, as compared with the revenue realized by the sale of Stamps, is represented in the following memorandum,* which is so far satisfactory, that the latter exceeds the former in the sum of Rupees 679 14 6: without intending in this place to revive the oft mooted point of the inadequate allowance, made to these functionaries for the maintenance of their ministerial establishments, the Court desire me cursorily to refer to the 28th and following paragraphs of Mr. Lang's Report, in which the appropriation of a portion of the "*Meeran*," or fourth share of Tullubana receivable by Nazirs appointed under Act XIV. of 1845, to this purpose, is suggested, and to observe, that without an alteration of the present Law the proposal could not be entertained, were it even unobjectionable in principle, which the Court are not disposed to admit; the Judge has been informed, in reference to this point, that, if the amount of Tullubana realized in the Moonsiffs' Courts be more than sufficient to maintain the requisite number of Peons, and to remunerate the Nazirs, it would be more equitable to reduce the rate, than to mulct the community at large for the purpose of supplying a deficiency, which it is the duty of the State to make good. Another device, having for its object the correction of the same evil, and consisting in the supply of Lithographed Forms of notices and proclamations, for the use of the Moonsiffs' Courts, was brought forward by Mr. Lang during the past year, and was negatived† by the Government on the Court's representation, that the expense thus incurred would constitute an indirect augmentation of the allowance, received by the Moonsiffs for establishment and stationery, and that they had consequently hesitated to pass the Indent.

*Moonsiffee.	Cost.			Amount realized by sale of Stamps.		
City, ...	2280	0	0	2793	10	0
Kydgunge, ...	1489	9	6	1672	4	0
Munjunpore, ...	2280	0	0	2591	12	0
Phoolpore, ...	1860	0	0	1351	14	0
	7729	9	6	8409	8	0

† My letter No. 1047, dated 17th June 1845.
Your reply No. 2713, dated 28th idem.

99. It has been intimated to Mr. Lang, with advertance to the 21st paragraph of his report, that the Circular Order on the subject of inspectional tours by the zillah Judges is in its nature rather permissive, than injunctive, and was designed to enable those Officers, *for sufficient reasons duly reported and approved*, to visit the Courts of their subordinates, and that, though the expediency of the established vacations being availed of for the purpose is suggested, the prosecution of the contemplated tour at other seasons which may be found more convenient, is not interdicted; the Court quite agree with Mr. Lang, that *periodical* visits of the nature indicated would be productive of little good, but it is not difficult to imagine the occurrence of circumstances, under which the personal presence of the Judge, and the institution of a local enquiry might be conducive to the discovery of truth, and the correction of error. The Court would lastly, in regard to the question discussed in the 23rd and following paragraphs of Mr. Lang's report, beg leave to refer to the 87th paragraph of their Civil Report for 1843, and the correspondence, which subsequently ensued, as justifying their reluctance to disturb the practice, which has been introduced by Constructions Nos. 935 and 1056, in the distribution of assets among several decree-holders; it may be sufficient to say, that the arguments advanced have failed to convince the majority of the Court, that the instructions in question are either erroneous in point of Law, or practically unjust, and inexpedient. The records of this Judgeship are reported to be in unexceptionable order.

GORUCKPORE.

100. The reduction, effected in the Judicial establishment of this extensive district, was described in the 108th and 109th paragraphs of the Court's last report, and the only object now proposed, in alluding to it is to note, that the interests of the public have not suffered from the change, the business, brought before the several Courts, having been promptly disposed of,* and the files left at the close of the year under report in a satisfactory condition. It is true that the arrear on the general file comprised 286 more cases, than were pending at the end of 1844, but of all the 1631 suits, which awaited decision, none were of longer standing than 12 months, and, that the decisions on trial were fewer by 441 than in the preceding year may be explained by the fact of the cases before the Courts having been likewise less numerous by 319, owing, not to a decrease in the income of civil business (for 110 more suits were instituted) but to the comparative smallness of the arrear, remaining over from 1844; the absence of some of the Native Judges* for various periods, in excess of the usual vacations, either on account of private affairs or certified sicknes may have had some effect in diminishing the quantity of business, that might otherwise have been disposed of, and it is not impossible, that the reduction made in the strength of the inferior judicial agency may likewise have contributed in some measure to the same result, but the falling off has not been such as to interfere with the efficiency of the administration, nor is there any thing of a nature to shew, that the Officers engaged have been wanting either in attention, industry or intelligence. On the contrary, the Court see reason to be satisfied with the manner, in which the operations have been conducted and supervised, and desire to commend both Mr. Reade the Judge and his subordinates for the share, which they have respectively taken in the administration during the past year. The only case, of older date than 1845, related to the execution of a decree, and belonged to the file of Ahmud Hussun Khan, the Principal Sudder Ameen; progress was stayed by order of the Sudder Dewanny Adawlut.

JUDGE.

Headings, Nos. 1 to 14	663
,, ,, 15 to 17	4210
	4903

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14	418
,, ,, 15 to 17	414
	832

Ahmud Hussun, Principal Sudder Ameen,	32	days.
Hubeeboollah, Moonsiff, ...	35	,,
Russol Buksh, Moonsiff, ...	21	,,
Doorgaparain, Moonsiff, ...	2	,,

101. About 20 days of October excepted, Mr. Reade presided in the Judge's Court throughout the period under review, and, confining himself exclusively to the performance of appellate duties, decided on trial 242 regular suits, and disposed of 609 petitions and applications under the first 14 Headings of the miscellaneous statement, leaving in either department no larger arrear, than might have been expected with reference to the quantity of business, brought before him; it is worthy of notice that the increase of Sessions and Criminal duties was very considerable, whether the number of trials and appeals, or of persons examined be regarded, and that 86 days (or 29 more than in 1844), were consequently occupied in this department, 152 days* only being left available for sittings on the civil side. Regulation VI. of 1832 was not brought into operation. Owing to Mr. Reade's long employment in the Goruckpore District, as Collector, cases were not uncommonly brought before him for trial as Civil Judge, on which in another capacity he had pronounced a judicial opinion, and the point was thought of sufficient importance to warrant a reference to the Calcutta Court, as to the legality of cognizance being taken by him of such cases: setting aside the question of expediency altogether,

NOTE.—4210 orders were also passed under the remaining 3 headings of the Statement, No. 2.

* NOTE.—The Judge was prevented by illness from attending office for 6 days.

the Court argued that legal considerations alone should guide their determination, and they came to the conclusion (in which the Sudder Dewanny Adawlut Lower Provinces concurred) that the Law contained no prohibition against the same individual trying, in the capacity of Judge, cases, which might have been judicially decided by him as a Settlement Officer: Mr. Reade has nevertheless, not unnaturally, in making over Appeals to the Principal Sudder Ameens, "included the cases of those parties, of whose claim he had previous knowledge" excepting those instances, in which the suitors themselves, or their representatives have expressed a wish, that he should himself pronounce judgment; in these and all other Appeals, tried by him, Mr. Reade has pursued the very proper practice of recording in his written decree the points at issue, and the grounds of decision, whatever may have been the order of the Lower Court, truly observing in support of the propriety of this practice, that "the people are not satisfied with a mere affirmation of the latter," "requiring from the judgment in Appeal itself an assurance that the merits of the case have been gone into." The number of applications for foreclosure and redemption of mortgage under Section 8, Regulation XVII. of 1806, was the subject of remark in the Court's last report, (paragraph 105) and Mr. Reade in his present letter again adverts to the point with the view, apparently, of shewing that the attention, bestowed upon it, has had the effect of reducing the number of such applications, and of diminishing at the same time the fraud, practised in the fabrication of the deeds, on which they are founded; to whatever cause attributable, the result is satisfactory, the number of applications having fallen from 452 in 1844 to 284 in the past year, in every one of which the deed was presented, owing, it is said, to the fact, "that the people themselves, and the Vukeels especially, having discovered that non-presentation and non-existence had been in so many cases the same, deemed it preferable to present the deed, and have a signature of its having been presented, placed thereon;" the Court's suggestion, that in all cases of detected forgery a criminal prosecution should be instituted, has been followed in some few instances, and the result has not, it would seem, disappointed expectation. There is nothing else, connected with the business or the practice of the Judge's Court, which calls for remark, except that Mr. Reade has adhered to his predecessor's rule of disposing of the miscellaneous work as soon as possible.

102. Of the two Principal Sudder Ameens, attached to this District, one Ahmud Hussun Khan, was, as noted above, absent on leave for 32 days beyond the customary vacations, the incumbency of the other Ghoolam Mahomed Moostuffa, was uninterrupted; the business, disposed of by each of these functionaries, is exhibited in the following statement, which leaves no room to doubt their industry.

	Regular Suits decided on Trial.			Miscellaneous.	
	Original.	*Appeal.*	*Total.*	*Headgs. 1 to 14.*	*Headgs. 15 to 18.*
Ahmud Hussun Khan, ...	52	221	273	199	173
Goolam Mahomed Moostuffa,	34	230	264	73	235
	86	451	537	272	408

Of the miscellaneous cases, 155 related to the execution of decrees, 129 having been either completely or partially enforced by Ahmud Hussun Khan, and 26 by Ghoolam Mahomed Moostuffa, neither of whom, it seems to the Court, could have done more, seeing that the aggregate arrear on the regular file comprised but 25, and in the miscellaneous department, 32 cases, of which, as already mentioned, one only was of older date than the period under notice. The Court expressed their inability, in the 106th paragraph of the report for 1844, to offer any opinion in regard to the qualifications of these Officers, owing to the recency of their appointment, but the experience of the past year puts it in the Judge's

power to certify, that Ahmud Hussun Khan has not belied Mr. Pidcock's prediction of his efficiency; his experience is said to be great, "his judgment sound, and his temper, assiduity and patience very commendable," an opinion, which receives corroboration from the fact of all the 13 Appeals against his decisions having ended in their affirmation; the Court would be glad, could they say of the Native Judges generally, as they can, on Mr. Reade's authority, of Ahmud Hussun, that he possesses "a good practical knowledge of the landed tenures, and of the rights and customs prevalent in village communities"—an acquirement, to be wished for in all judicial officers, more particularly in those serving in the Goruckpore district, where property in land, more frequently than in other parts of the country, becomes the subject of litigation. The character given of the second Principal Sudder Ameen, Ghoolam Mahomed Moostuffa is less favorable, but, inasmuch as he is admitted to have possessed "integrity and independence," there is reason to regret his recent demise;* his decisions were upheld in 6 and reversed or modified in 5 out of 11 cases, that were revised by the Judge in Appeal, and the result of miscellaneous Appeals was equally unsatisfactory, owing, it is thought to his "naturally hasty temperament, which suffering and disease have not improved," and to the "defect both in judgment and patient investigation" thereby superinduced; it was the anxious desire of the Court, as intimated in the 106th paragraph of the Report for 1844, to remove Ghoolam Mahomed Moostuffa from Goruckpore, the climate of which was professionally declared to disagree with his constitution, but want of any opportunity, and reluctance to subject another to that, which was known to be generally distasteful, prevented the Court from complying with his repeated request to the above effect.

* v. My letter No. 883, dated 15th June 1846.

103. No appeals from the orders of officers, now incumbent, were heard by the Sudder Dewanny Adawlut during the year 1845.

104. Under an arrangement, introduced with the sanction of the Court, and alluded to in the 108th paragraph of the Report for 1844, Abdool Azeez, besides trying the particular suits, referrible under the Law to Sudder Ameens, has been charged with the decision of a portion of the cases, filed in the Court of the City Moonsiff, and acting in this double capacity, determined on trial 211 regular suits, leaving at the close of the year 107 for future disposal: he would seem also to have applied himself with diligence to the miscellaneous branch of work, having brought to decision 505 cases of that nature, after enquiry into the merits; of the latter number 176 related to the execution of Decrees, of which 129 were fully, and 47 partially, enforced. The Court regret, however, to observe, that, whatever credit may be due to Abdool Azeez for zeal and industry, he cannot claim any merit for correctness of judgment, in so far at least as the issue of Appeals tried may be regarded as a test: his orders were approved in 17, and either reversed or modified in 13, out of 30 regular cases, that were revised by the appellate Court, while of 50 decisions in miscellaneous matters, 26 were upheld, and 24 were either altered or altogether cancelled, results, which cannot be pronounced favorable, and which support Mr. Reade's opinion, that his judgments are given without sufficient deliberation, and not infrequently, without sufficient enquiry; the "acuteness and intelligence," however, of Abdool Azeez are said to be "unquestionable," some of his judgments are declared to be "masterly," and his tendency to decide hastily is reported to have been in some degree corrected of late by attention to the Judge's advice and remonstrance.

105. It will be in the recollection of Government, that, though the Moonsiffs of this District were invested with power to hear petty criminal cases, during 1844, the system

(which was looked upon rather as an experiment than any thing else) was not carried into effect until the beginning of the past year: their employment in this manner has been hardly more than nominal, only 82 cases having been tried by the eight Officers collectively, and has not of course interfered with the dispatch of civil business, but it is matter of regret, that their usefulness in this respect should have been circumscribed, and it may be interesting, in another place, to enquire into the cause. As regards the civil branch of their duties, the Moonsiffs have done all that was required, or could reasonably be expected, from them: the number of regular cases, decided on trial, amounted to 2871, 309 were dismissed on default, and 630 were adjusted or withdrawn, but with regard to the decisions on trial (2871) it must be added, that 1278 only were passed in contested suits, 306 having been tried exparte, and 1278 decreed on confession of judgment: on this subject of Ikbaldawas Mr. Reade has explained, that "in pecuniary transactions connected with trade the suit of the creditor, and the confession of the debtor are regarded as, in point of fact, a public, secure, and binding record of an obligation," while in many instances of another description, the suit is brought merely "for the purpose of effecting registry;" for instance "a person sells his Estate to another who sues on the following day, and after a brief interval the seller gives an Ikbaldawa and the case is decided: execution is taken out, and mutation of registry is effected by the Moonsiff's precept to the Revenue Authorities;" this practice, Mr. Reade adds, on the faith of information communicated to him during his tour of inspection, "is preferred as less troublesome and expensive than effecting Dakhil Kharij in the Collector's office," and though possibly collusion may sometimes occur, "the legal remedy is with the party, whom it is the intention of such collusion to injure." Besides the business above described, orders were passed on the merits of 2780 miscellaneous cases, inclusive of 1651 applications for execution of decree, which were struck off. 994 after full, and 657 after partial settlement of the decreed claim, which is enough, without entering into particulars, to shew that this important department has not been neglected: there were, moreover, 1784 applications of this nature, thrown out on failure of the decree-holder to proceed in the matter, and to these cases Mr. Reade has given his attention "under a first impression, that the Native Judges did not shew sufficient consideration, and thought more of clearing their files, than executing their decrees," but subsequent experience convinced him of his error, and led him to call upon the Moonsiffs for a classified return of cases so dealt with, which accompanies this report in original; to that document and to the 23rd paragraph of the Judge's letter the Court beg leave to refer for a clear exposition of the several contingencies, which conduce to the result above mentioned, merely adding on their own part, that under those several contingencies the Moonsiffs could not do otherwise, than strike off the cases from their files. This may perhaps be the most appropriate place to mention, that not only are the Moonsiffs and Tehsildars' offices in juxtaposition, but the former have been provided with suitable and substantial Kucherries, free from the peril of fire, notwithstanding that the whole amount, advanced by Government for this purpose, amounts only to Rupees 150* for the building at Deoreya, and, more recently,† Rs. 52-4-6 for the purchase of the Captainginje Moonsiff's residence, agreeably to the rule sanctioned by Circular Order No. 1879, dated 20th November last: Mr. Reade appears to be entitled to the thanks of the community for the perseverance, with which he has for a long course of years pursued, and at length accomplished, an object, so highly conducive to their convenience; it will not be thought to detract from the praise, which is due to Mr. Reade, although it may perhaps have facilitated the execution of his design at so little expense to Government, that, lime excepted, every material for building is at Goruckpore procurable by labor, and that much in this way can be done at a very small outlay, if convict labor be available.

* v. Your letter No. 1078, dated 14th March 1845.
† v. Your letter No. 1782, dated 30th April 1846.

106. The issue of Appeals, as exhibited in the margin,* is not particularly favorable, but the majority of these Moonsiffs were in office, when Mr. F. Currie, a Judge of this Court visited this District on an inspectional tour, and reported highly of their qualifications as a collective body, and Mr. Reade, the present Judge, who has long known most of them individually, ascribes to them, generally, a good character, as well for judicial ability as uprightness and industry; the superiority over others in point of natural intelligence and fitness for their official position seems to be ascribed to Mehndee Hussun, Hubeeboollah, Mehndee Alee Khan and Kureemooddeen, the promotion of the latter to the higher grade being said to have been "fairly earned," while of Doorganarain, whose decease has been lately reported, and Russol Buksh, a more favorable opinion, than that hitherto received, is recorded: the former, though not popular, is said to have been remarkable for industry, undoubted integrity, and an "ardent desire" to give redress, while with regard to the latter it is stated, with special reference to past observations*, that a "decided improvement" has taken place, and may, it is hoped, be progressive: the other two, Reazut Hossein and Serajooddeen are new in judicial office, and from the experience of the past year no conclusions can be drawn. It is thought unnecessary to exhibit in detail the issue of Appeals from the decisions of these Officers in miscellaneous cases, the impression received from the Judge's report being, that it was unfavorable except in the case of Mehndee Hussun the Moonsiff of Captaingunje, and Doorganarain, late Moonsiff of Moonsoorgunje.

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
Mehndee Hussun, Moonsiff of Captaingunje, ...	93	56	37	39 · 78
Hubeeboollah, Moonsiff of Bansee, ...	38	25	13	34 · 21
Mehndee Alee Khan, Moonsiff of Khuleelabad,.....	84	53	31	36 · 90
Russool Buksh, Moonsiff of Bansgaon,.....	79	52	27	34 · 17
Doorganarain, Moonsiff of Munsoorgunje and Bilwa Mehwadeh, ...	36	20	16	44 · 44
Reazut Hossein, Moonsiff of Perownah, ...	56	22	34	60 · 71
Seerajooddeen, Moonsiff of Deoreyza Saleympore, ..	41	23	18	43 · 90
Kureemooddeen, Moonsiff of Goruckpore, ...	75	41	34	45 · 33
	502	292	210	41 · 83
By Judge,.....	104	66	38	
By Principal Sudder Ameens,.....	398	226	172	

* v. Paragraph 110, Report for 1844.

107. The subjoined comparative statement shews the cost of maintaining the inferior judicial establishments, and the net amount realized by the sale of stamped paper filed in the several Courts:

Moonsiffee.	*Cost of Establishment.*	*Net Amount realized by sale of Stamps.*
Captaingunje, ...	1680 0 0	1912 0 0
Bansee, ...	2175 5 2	2236 0 0
Khuleelabad, ...	1680 0 0	2414 0 0
Bansgaon, ...	1641 11 9	1902 0 0
Munsoorgunje, ...	1830 0 0	1683 0 0
Perownah, ...	1680 0 0	1435 0 0
Bilwa Mehwadeh, (since abolished,)	407 4 8	216 2 0
Saleympore, ...	1680 0 0	2172 8 0
Goruckpore, ...	2030 0 0	2106 2 0
Goruckpore, (since abolished,) ..	242 3 8	0 0 0
	15,046 9 3	16,076 12 0

There is according to this calculation a small balance in favor of Government, but, if the expense of the Principal Sudder Ameen's and the Sudder Ameen's Courts, together with the amount realized from stamps, be included, the net excess will be found to amount to Rupees 12,000, which, the Judge thinks, should be devoted to the remuneration of the Moonsiffs' establishments, whose Government pay is said to be "almost a farce," and whose wants are mainly supplied by suitors in those Courts; this "great reproach" has received notice in another part* of this report, and the Court can add nothing to what has been there said regarding the necessity of doing away with this crying evil.

* v. Para. 136.

108. Most of the general subjects, touched upon in Mr. Reade's interesting report, have either been mentioned in preceding paragraphs, or disposed of in the 111th para. of the Court's last report. Mr. Reade's proposals† on the subject of establishing offices in the Mofussil for the registry of deeds will form the subject of a separate address, as soon as the Court receive returns to their Circular ‡ letter of enquiry as to the working of the recent enactments on this point, and the Court may at present be content with stating generally their concurrence in Mr. Reade's views, while in regard to his 21st paragraph it may be enough to state, that the rules, which it describes, have been circulated§ for general observance in all the Civil Courts of these Provinces. It will be seen|| too that, with the view of enlarging the present accommodation for the records of the Judge's Court, the measures, sanctioned by Circular Order No. 1210, dated 14th July 1845, have been carried into effect, and that the Judge's tour of inspection through the Moonsiffee jurisdictions of Deooorya, Suleympore, Perowna, and Munsoorgunje, has enabled him to collect much information, that might otherwise have been wanting, and to correct some irregularities of record, that might otherwise have remained undetected.

† v. Para. 18 of his letter.

‡ v. My Docket No. 741, dated 5th May 1846.

§ v. *Government Gazette*, dated 9th June 1846.

|| v. Paragraph 19 of Judge's letter.

AZIMGURH.

109. Notwithstanding a very large accession to the income of civil business in this District, and the unavoidable vacation of the Sudder Ameen's and the two Moonsiffs' Courts for a portion of the past year, as will be hereafter explained, the result of operations, as represented in the statements and the officiating Judge's report, must be pronounced satisfactory, reflecting credit equally upon Mr. Armstrong, who received charge of this Judgeship on the 28th January 1845, and on the subordinate judicial authorities, whose labors it has been his duty to supervise. The number of suits, pending on the several files, when the year 1844 terminated, was larger by 150 than at its commencement, and during the period under review the regular business before all the Courts, owing to an increase of 704 in the number of suits instituted, exceeded that in the preceding year by 854 cases; that the industry of the judicial agency employed, though confessedly unequal to contend with this large increase of work, has been energetic and continuous, is evident from the facts, that the decisions on trial were more numerous by 454 than they were in 1844, that 159 more suits were disposed of otherwise than on trial, and that, when December ended, the arrear, consisting of 1156 regular cases, was larger only by 241, than at a corresponding period of 1844; it should be noted likewise, that this arrear comprised but five cases, of longer standing than a twelvemonth, all of which had been remanded, either to the Judge's or the Principal Sudder Ameen's Court,

JUDGE.	
Headings, Nos. 1 to 14	410
" " 15 to 17	2745
	3155

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14	378
" " 15 to 17	580
	958

one in November, and the remainder in the last month of the year under review, and that the Miscellaneous files shewed no depending business, instituted prior to its commencement. When it is considered that these favorable results have been effected in spite of many disadvantages, such as the changes of incumbency above noticed, the recent appointment, and consequent inexperience of both the Moonsiffs, and the undue pressure of work on all the members of the judicial agency, it will be admitted, that the commendation, above bestowed upon their exertions, is not unmerited or misplaced. The measures, which have been taken to prevent any undue accumulation of arrear, in consequence of the large increase observable in the income of business, will be adverted to in a succeeding part of this Report.

110. In the Judge's Court 172 days were devoted to the transaction of civil business, and during that period 238* regular suits, of which one only was original, were determined on trial, recourse being had to the agency, provided by Regulation VI. of 1832, in 4 cases, which were without exception adjudicated in accordance with the opinion of the assessors engaged: the restricted operation of this Law in the District under notice is ascribed by Mr. Armstrong, partly, to the reluctance of natives to give their unremunerated aid, and to occupy their time, in the transaction of judicial business, "in which they take no interest, and for which they may incur obloquy," and partly to the fact, that their assistance is but little appreciated by those, "whose interests are at stake." As might have been expected, the arrear of regular cases, at the close of 1845, largely exceeded that represented in the returns for 1844, but this would seem to have been unavoidable, seeing that there was a considerable increase in the number of Appeals instituted, that the Principal Sudder Ameen, being occupied in the execution of decrees, emanating from the Sudder Ameen's Court, (v. para: 114 of Report for 1844), and in the hearing of cases, appertaining to the jurisdictions of the Moonsiffs, which were transferred to him in consequence of the vacancies in those offices, was less able to give efficient assistance in the adjudication of appealed cases, and that sessions and criminal duties engrossed a larger portion of time and attention, than in 1844, when 66 days were found sufficient for their disposal; the chief of these obstacles have now been removed, and the beneficial result, it is hoped, will be apparent at the close of the current year. The miscellaneous work, brought to a close in this Court, comprehended altogether 3155 cases, of which 384, appertaining to the first 14 headings of statement No. 2, and comprising the several important matters noted in the margin*, were decided after investigation of the merits, and at the end of the year but little, unsusceptible of early disposal, encumbered the files of this department. Adverting to the expectation, held out in Mr. Neave's last report, that the state of business would shortly admit of appeals being taken up and proceeded with, as soon as instituted, the Officiating Judge accounts for its not having been realized by referring to the circumstances, which have been above adduced in explanation of the increased arrear on the regular file of the Judge's Court, and the Court see no reason to question the justice of his conclusion on this point. Two (2) Special Appeals, determined by the Sudder Dewanny Adawlut terminated in the reversal of Mr. Armstrong's order, and in the remand of both cases to his Court for re-investigation, or retrial. Mr. Neave's judgment was affirmed in four cases, reversed in one and modified in one, and the remaining two, of 8 cases brought before the Court in Special Appeal, were remanded.

* Mr. R. Neave, .. 4
Mr. Armstrong, .. 234

* Petitions for Summary Appeal, ... 62
Petitions of Appeal under Regulation VII. of 1825, .. 81
Petitions of Miscellaneous and interlocutory Appeal, .. 27
Petitions for the foreclosure and redemption of mortgage, 91
Applicaton for Execution of Decree, ... 12

111. Syud Mahomed Luteef continued without intermission to act as Principal Sudder Ameen during the past year, and evinced creditable diligence in the disposal of 369 regular cases, of which 318, comprising 207 original suits and 111 Appeals from the orders of the Lower Courts, were decided on trial, and in the determination, after full enquiry into merits, of

227 miscellaneous cases, referrible to the first 14 Headings of the Statement No. 2: in addition to the foregoing, the Principal Sudder Ameen superintended the execution of the Sudder Ameen's decrees, until relieved by the present incumbent Kasim Alee on the 16th April, and further, aided the Magistrate by the investigation and trial of 27 criminal cases, and the disposal of a few miscellaneous matters, relating to the same department. It is true, that the Judge of this Court, to whose lot it fell to review the periodical returns from this District, found it necessary on more than one occasion to complain of the Principal Sudder Ameen's dilatory proceedings, and to reprehend various irregularities which they exhibited, going even to the extent of threatening him with their severe displeasure in the event of their recurrence, but the Court would fain hope, that circumstances, calling for a repetition of animadversive notice, may not arise, and in that hope they refrain from detailing the several faults, that were attributed to him, and describing the facts, which seemed at the time to justify their ascription. Mr. Armstrong, in referring to the issue of Appeals from this Officer's decisions, states that with his judgment he has no reason to be dissatisfied, but this opinion hardly consists with the fact, that by Mr. Armstrong himself the Principal Sudder Ameen's orders were reversed in the proportion of 41 . 17 per cent. to the whole number of cases, which were subjected to his revision: the distribution is exhibited in the margin, * and it is curious, as indicating how very unsafe a test of of judicial efficiency is this return, that the largest proportion of reversals should have occurred in suits, which were adjudicated by him as Moonsiff, and which may therefore be supposed to have presented fewer points of difficulty than others, in which his judgment would seem to have been more accurate. Out of 10 appeals (3 regular and 7 special) which were heard and determined by the Sudder Dewanny Adawlut, the Principal Sudder Ameen's order was in 4 affirmed, in other 2 either reversed or modified, and the remaining 4 were sent back by remand for re-trial or re-investigation, but from this return no inferences can be drawn for the obvious reason, that only those applications for Special Appeal are admitted, which bear upon their face evidence of the incorrectness of the Lower Court's judgment, and that the rejection of such a petition is nearly tantamount to an authoritative declaration of its legality. It is proper to add, that the official conduct of Syud Mahomed Luteef would seem to have been exemplary, his attendance regular, his assiduity untiring, and that "no one circumstance, reflecting on his integrity" was brought to Mr. Armstrong's knowledge during the period under notice.

	Tried.	*Confirmed.*	*Reversed.*
* As Princ. Sud Ameen,	20	13	7
As Sudder Ameen,	8	7	1
As Moonsiff,	23	10	13
	51	30	21

112. The office of Sudder Ameen was vacant until the 16th April 1845, when Kasim Alee, appointed under the orders of Government, conveyed in your letter No. 1073, dated 14th March 1845, assumed charge, and found the accumulated arrear of some months awaiting disposal. He has evidently applied himself energetically to its reduction, having, during the 8½ months of his incumbency, tried and determined 275 regular suits, at a monthly average of 32, and left for future disposal 277, all of which were of comparatively recent institution; his performances in the miscellaneous branch of work are equally satisfactory, 149 decrees, having, with some assistance from the Principal Sudder Ameen, been carried out to complete execution, and no inconsiderable amount of other miscellaneous business having been disposed of with a promptitude and dispatch, which served to reduce the arrear of this department from 170 cases at the commencement, to 103 at the close, of the year under review. The returns now before the Court, while they bear ample testimony to Kasim Alee's industrious application, afford no means of forming an opinion as to the ability, which he may have displayed in discharging the duties of the superior office, to which he has been recently promoted, for only 2 Appeals from his orders were decided before the end of 1845, but there is every reason to expect that, in the capacity of Sudder Ameen, Kasim Alee will exhibit

the same discrimination, and maintain the same respectability of character, for which, as Moonsiff in the Goruckpore District, he was distinguished; indeed Mr. Armstrong gives encouragement to these expectations by stating that, though he has enjoyed but little opportunity of examining his work, he has seen enough to be satisfied, that no unmerited praise has been bestowed upon him, and that, whether his "clear exposition of the points in dispute," or his record of the grounds of decision be regarded, his proceedings are in themselves sufficient evidence of his efficiency.

113. The two Moonsiffs' Courts were in operation, the one for 11, the other at Ghosee for 10 months, and the Officers presiding in them both entered the judicial branch of the service during the past year: it is deemed, therefore, creditable to them, that, having to contend with their own inexperience, as well as with a very extraordinary influx of business, they succeeded in disposing of 1405 regular suits, and when the year closed left 797 (only 46 more than at the end of 1844) for future decision. Of the above no less than 1015* were decided on trial, whereas in 1844, when the exertions of of the Officers engaged were pronounced to be commendable, the decisions on trial did not exceed 658, but there cannot be a question, that their energies have been taxed to the uttermost, and that the strength of the existing agency is unequal to the prompt and efficient disposal of the business, as instituted in these Courts during the past year; to provide for the temporary exigency, the Court have thought proper to appoint an additional Moonsiff to be located at Mahomedabad Gohnah, and to be employed for 6 months in relieving the files of the permanent incumbents in the Moonsiffees of Azimgurh and Ghosee, an expectation being entertained, that by the close of the period above mentioned, the undue pressure of work will have disappeared, or that it will by that time have been ascertained, whether the increased income of business has originated in causes of temporary operation and effect, or whether it is likely to be progressive and permanent; in that case it may possibly be necessary to make a fixed addition to the present judicial establishment of this District. The miscellaneous business dispatched in these Courts consisted of 973 cases of all descriptions, which were decided after investigation of the merits, and included 419 applications for execution of decree, struck off after full enforcement of the claim, besides numerous cases of objections, which are not infrequently perplexing and difficult of satisfactory adjustment. In the margin is an extract from the Appeal statement, from which it may be inferred, that these Officers, though young in judicial experience, have subjected the cases brought before them to careful and patient investigation, and have exercised a fair discrimination in passing judgment upon them. On the whole, there seems every reason to be satisfied with the result of the Moonsiffs' labors, whether the quantity or the quality of the work performed by them be considered, and the Court are disposed to agree with Mr. Armstrong in the opinion, that Wazeer Alum gives promise of judicial efficiency, and that the issue, with which Appeals from the decisions of Dabeedyal, Moonsiff of Ghosee, have been attended, bears creditable testimony to his knowledge of the Regulations, and his acquaintance with the practice of the Courts: both these functionaries are said to have given satisfaction by their conduct, and to bear a good character in the District, to which they are attached.

* Exparte, ... 212
Confession of judgment, ... 133

	Tried.	*Confirmed.*	*Reversed or modified.*	*Percentage of reversals.*
Wuzeer Alum, Moonsiff of Azimgurh,	57	38	19	33 · 33
Debeedyal, Moonsiff of Ghosee,.....	44	31	13	29 · 54

114. In the comparative statement subjoined are exhibited the actual outlay, incurred by the Government in the maintenance of the subordinate judicial establishments during the past year, and the extent, to which it is countervailed by the amount, realized from the sale of stamped paper, filed in these Courts, the latter exceeding the former by rupees 5670-8-0, which will provide more than sufficient funds to meet the expense of the auxiliary agency, which the Court, as above intimated, have deemed it their duty to authorize.

Moonsiffee.		*Cost.*			*Amount realized by sale of Stamps.*		
Azimgurh,	.....	1680	0	0	5596	0	0
Ghosee,	.....	1680	0	0	3434	8	0
		3360	0	0	9030	8	0

The arrangement of Moonsiffee jurisdictions, alluded to in the 119th paragraph of the Court's last report, has been found, the Court believe, to work satisfactorily.

115. It is only necessary to add, that the records of this judgeship are reported to be in good order, and that the anticipated necessity (*v.* para: 120 of last report) of erecting a new and more commodious building for their reception has been for the present avoided by recourse being had to the measure, sanctioned by Circular Order of the Court No. 1210, dated 14th July last.

116. As a diversity of opinion and practice may exist in regard to the value of the stamped paper, used for the engrossing of petitions of Summary Appeal, the Court think it may be useful, to recapitulate in this place the purport of their reply to certain enquiries, made by Mr. Armstrong on this head. The Court on that occasion observed that Construction No. 613 determines the principle, by which the amount of stamp duty, leviable on petitions of Summary Appeal shall be regulated, placing them in the same category with the miscellaneous durkhasts and applications, adverted to in Article 7, Schedule B. Regulation X. of 1829, and that the conformity or non-conformity of such a petition to the requirements of the law, depends upon another consideration, namely, whether the Summary Appeal is preferred under the Provisions of Clause 3, Section 3, Regulation XXVI. of 1814, or under Clause 4 of the same Section and Regulation: in the former case the petition would be inadmissible save on stampt paper of one rupee, while in the latter a duty of 8 annas only would be leviable under the 2nd paragraph of Article 7, Schedule B. Regulation X. of 1829.

JOUNPORE.

117. In the 121st paragraph of the Civil Report for 1844 the increase, which marked the income of civil business during that period, was noticed, and the efficiency of the several tribunals in this District was said to be favorably represented by the results exhibited in the tabular returns, in respect both of the quantity of work dispatched, and of the reduction effected in the amount of long standing arrear. Almost the same terms might be employed to signify the opinion entertained by the Court regarding the operations of the past year, which have been conducted and supervised with a degree of attention, and carefulness, deserving of the Court's approbation. With an increase of 356 in the number of suits brought on the file, and of 286 in the number before the Courts, as compared with the year last reported on, the decisions on trial and otherwise were more humerous by 107, and when 1845 come to a termination the aggregate arrear on the general file comprehended 915 cases, more by 177 than at a corresponding period of 1844; on this ground no blame can be reasonably ascribed to the Officers, who compose the judicial agency of this District, for, though it is the tendency of an increase in the income of business, to a certain extent, to produce an increase in the

JUDGE.	
Headings, Nos. 1 to 14	216
,, ,, 15 to 17	4564
	4780

PRINCIPAL SUDDER AMEEN.	
Headings, Nos. 1 to 14	504
,, ,, 15 to 17	417
	921

number of decisions on trial, this tendency of course receives a natural check, for there must be a limit to human exertion, as in this District, where the number of suits instituted has arisen from 1901 in 1843, to 2570 in the year under report. The Court observe, too, with much satisfaction, that the arrear above represented comprised but 3 cases, of longer standing than a twelvemonth, all of which had been remanded for retrial by the Superior Courts within the last two months of 1845, while the files of the miscellaneous department presented no cases whatever, indeed the promptitude and efficiency, with which the highly important duty of giving effect to the decretal orders of the Civil Courts has been performed in this district, and the cordiality, with which the revenue authorities have co-operated with the judicial officers, and largely contributed to this end, have more than once formed the subject of commendatory notice during the period under report.

118. With the exception of 23 days, when the Principal Sudder Ameen discharged the current duties, the Judge's Court was administered by Mr. R. J. Tayler, who, confining himself exclusively to the exercise of appellate functions, in which he received efficient assistance from the Principal Sudder Ameen, Kazee Yar Alee Khan, decided on trial 209 cases on the regular file, leaving an arrear of 79 for future disposal, and passed orders on the merits of 4653 miscellaneous cases, of which 188 appertained to the important matters, classified under headings 1 to 14 of Statement No. 2, and comprised among others, 86 petitions of Appeal under Regulation VII. of 1825, a few applications for execution of decree, and 36 petitions from parties, objecting to orders, passed in course of execution; in estimating the amount of work dispatched regard must be had to that, which awaited decision at the close of the year, and was in both departments inconsiderable, and consideration must be given to the heavy pressure of Sessions and Criminal duties, which occupied 119 days (or 12 more than in 1844) as well as to Mr. Tayler's absence on leave, 113 days only remaining available for the transaction of civil business. Regulation VI. of 1832 was practically inoperative in this District during the past year. It may be here mentioned, as connected with the internal economy of the Judge's office, that the systematic arrangement of the records, perfected by Mr. Harington, the late Officiating Judge, is carefully maintained, all incoming papers being adjusted in correspondence with the classification then adopted, and that neither want of accommodation, nor other circumstance, calculated to interfere with the order that has been introduced, is complained of. The correspondence noted in the margin* has reference to a proposal, submitted by the Court, for the elevation of the Head Ministerial Officer of the Jounpore Civil Court to the office of Sudder Ameen, in conformity, as it was thought, with the tenor of instructions of the Hon'ble the Court of Directors in their dispatch dated 31st January 1844, and in pursuance of a precedent, offered by the appointment† of Syud Azeemoollah to a similar post in the Azimgurh District; the Hon'ble the Lieutenant Governor having disallowed the nomination of one, whose services in the judicial department extended over a period of 36 years, and whose ability and integrity of character were testified by Officers of eminence and respectability, and having, moreover, intimated that the instances, regarded by the Court as precedents for their guidance, should be considered strictly in the light of exceptions to the general rule, from which the dispatch of the Honorable Court, as construed by His Honor, authorized no deviation, the Court have, of course, abandoned the practice which they had thought to be consistent with the spirit of the instructions referred to, but they must confess, that they are inclined to regard favorably the extension, to Head Native Officers of the Civil Courts, of the rule‡ which permits the nomination of Law Officers to Moonsiffships, and in cases of peculiar merit, capacity and

* My letter No. 802, dated 30th April 1845.
Your reply No. 2173, dated 22nd May 1845.
My letter No. 998, dated 4th June 1845.

† v. para: 115 of Report for 1844.

‡ v. Circular Order, No. 65, dated 23d August 1844: and the correspondence which preceded its promulgation.

long previous experience, to the office of Sudder Ameen, without obliging them to undergo the ordeal of an examination; the opportunities possessed by the former, of acquiring an intimate acquaintance with judicial law and practice are equal, if not superior, to those, which the latter enjoy, and the effect of the rule would be beneficial in the encouragement, which it would hold out to the ministerial Officers of the Civil Courts, to merit by strict integrity, and propriety of conduct the rich reward, which elevation to a judicial post, and the prospects of further promotion, involve.

119. The Principal Sudder Ameen's Court was in operation throughout the year under report, under charge of Kazee Yar Alee Khan, who is reported to have maintained the reputation, which he acquired in the neighbouring District of Azimgurh; his diligence is shewn by the details, contained in the tabular returns, according to which he decided on trial 312 regular suits, of which 126 were original and 186 Appeals, and determined, after investigation of the merits, 332 miscellaneous cases under Headings 1 to 14 of Statement No. 2, leaving for future disposal, both in the regular and miscellaneous branch of business, fewer cases than were pending on the files at the commencement of the period under notice; 123 decrees were fully executed and 37 partially enforced in this Court, while no less than 158 applications were struck off owing to default on the part of the decreeholder, a circumstance, which was commented on in the 123rd paragraph of the last report, and was attributed to the literal construction and strict application of established rules on this head; whether this method of proceeding will ever induce a greater measure of punctuality and forethought on the part of those, most interested in the execution of decretal orders, may be doubted, so long as the spirit of procrastination continue to characterize the native people, and so long as the re-admission of applications and the revival of measures for the realization of decreed claims, involve but little or no trouble or expense. The services of the Principal Sudder Ameen were not availed of by the Magistrate. In their last report, the Court expressed their inability to deduce from the data before them any conclusive opinion regarding the care and judgment, exhibited by Kazee Yar Alee in the investigation and decision of the matters, submitted to his adjudication as Principal Sudder Ameen, but they had reason to expect, that the qualifications ascribed to him, when Sudder Ameen of Azimgurh, would be called into action in the superior office, to which he had then but recently been advanced, and that he would vindicate the discrimination of the Court in his selection; in this expectation the Court have not been disappointed, for, though his proceedings in one case received animadversive notice from the Judge, on whom the revision of the periodical Statements from this District devolved, they receive with satisfaction Mr. Tayler's assurance that Kazee Yar Alee is much respected by all classes, and that "his decisions have generally given satisfaction." His judgment was affirmed in 20 out of 30 cases (66·6 per cent) that underwent the Judge's revision in Appeal, and of 5 cases, that came before the Sudder Dewanny Adawlut, 2 in regular and 3 in special Appeal, two terminated in the modification of his order, and the remaining 3 were sent back by remand.

120. Five Special Appeals from the Judge's Court were heard by the Sudder Dewanny Adawlut, who confirmed his decision in one, reversed it in another, and sent back the other 3 cases by remand—results, not very favorable.

121. Before proceeding to exhibit in detail the performances of the Moonsiffs during the past year, it may not be thought irrelevant to observe, that of 2034 brought on their files within the period indicated, no less than 1065 related to land rent and to claims for the possession of real or landed property, a class of cases, which are admitted to present questions of greater intricacy and importance, than any other, and call for the exercise of more judgment

and the application of more extensive knowledge, than the petty commercial transactions, which compose the great mass of litigation in the inferior Courts of this country. If the diligence and activity of the four Moonsiffs in 1844 merited commendation, they must likewise be considered entitled to credit for their exertions during the year, which has expired, having, in trying and deciding 1442 regular suits, and disposing of 1587 miscellaneous cases after investigation of the merits, considerably exceeded their performances during the year 1844; the aggregate of regular decisions on trial, of which, it should be noted, a smaller proportion than is elsewhere usual were adjudicated exparte,* or on Ikbal-Dawa,† yields an annual average of 360 to each Officer, an average, which has been largely surpassed by Syud Bundeh Alee the 2nd Moonsiff of Jounpore, who is indebted for this superiority rather to adventitious circumstances, than to the possession of greater official aptitude; the other functionaries of the same grade, having less business brought before them, have done less, but they have kept pace with the work requiring disposal at their hands, and have succeeded in exhibiting files free from old cases. In these tribunals 388 decrees were fully enforced, and 187 others partially executed, while 592 applications, filed with the object of procuring a settlement of adjudicated claims, were struck off on failure of the decree-holder to proceed in the matter. As the several individuals, whose past services and official character received detailed notice in the reports for 1843 and 1844, are still incumbent, and as no circumstances of a nature to affect in any material degree the Court's estimate of their merits and qualifications have been brought to notice, it is thought sufficient to insert in the margin‡ a statement, shewing the issue with which 351 Appeals, adjudicated by the Judge and Principal Sudder Ameen, were attended, merely remarking that the singular diversity of result observable between the proportion of orders reversed by the Judge, as compared with the proportion of those, similarly dealt with by the Principal Sudder Ameen, must, in the absence of explanation, detract from the value of this document, as a test of judicial capacity: repeated and importunate applications, submitted by Syud Bundeh Alee for advancement to the superior grade have been rejected, on the ground that, while there are two unpromoted Moonsiffs in the District, to which he is attached, both senior to him in service, and not inferior in qualifications, he can have no just cause of complaint; the Court, having already expressed‡ their deliberate opinion in regard to the claim, advanced by Kazee Zeeaoollah, and adverted to in the 18th paragraph of the Judge's report, see no necessity for troubling the Government with further comments; it must rest with His Honor to determine, whether the principle advocated by the Court, and the rule founded upon it, shall be upheld, or whether, the native Judicial Officers shall be suffered to indulge their caprice in the acceptance or rejection of proffered promotion, according as the locality, to which under such promotion they must proceed, is remote from, or in the neighbourhood of, their homes; until otherwise advised, the Court propose to maintain the rule, by which they have been hitherto guided on this head.

* 294
† 253
547

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
‡ Kazee Zeeaoollah, Moonsiff of Jounpore,	88	62	26	29·54
Syud Bundeh Alee, 2nd Moonsiff of Jounpore, ...	85	56	29	34.11
Mahomed Fuzloollah, Moonsiff of Mutchleeshehur, ...	89	65	24	26·96
Moolvee Moorad Alee, Moonsiff of Mooftoegunje,..	89	68	21	23·59
	351	251	100	
By Judge, ...	165	143	22	13·33
By P. S. Ameen, ...	186	108	78	41·93

‡ *Para. 126 of Report for 1844.

122. The cost of the Moonsiffs' establishments, and the amount realized by the sale of stamps, filed in the several Courts, are placed in juxtaposition in the subjoined statement:

Moonsiffee.	*Cost of Establishment.*				*Amount realized by sale of Stamps.*		
1st Moonsiff of Jounpore, ...	2280	0	0	....	1395	2	0
2nd Moonsiff of Jounpore, ...	1680	0	0	....	1827	14	0
Moonsiff of Moofteegunje, ...	1680	0	0	....	1353	0	0
Moonsiff of Mutchleeshehur, ...	1680	0	0	....	1325	4	0
	7320	0	0	....	5901	4	0

The jurisdictions of the Moonsiffs have not yet undergone revision.

123. No other incident, which has been brought to the knowledge of the Court since the date of the last report, calls for particular notice: it will be seen that the operations of the past year have been well and carefully supervised by Mr. R. J. Tayler, and that the exertions of the subordinate Judicial Officers have been such as to merit encouragement and praise.

MIRZAPORE.

124. The general aspect of business in this district is sufficiently satisfactory, for, though the decisions on trial were fewer by 116 than in the preceding year, the falling off is in some degree accounted for by a diminution of 35 in the number of cases before the Courts, and is compensated by the disposal of 46 more suits, otherwise than by orders on the merits, so that at the close of the period under report the depending arrear exceeded that, which awaited disposal at the end of 1844, by 35 suits only; the best proof, however, of the exercise of commendable assiduity is to be found in the fact, that all the suits, which remained for future decision, were of recent institution, none having been on the file for more than a twelvemonth, and that the duties of the miscellaneous department have been efficiently conducted, may be inferred from the limitation of long standing cases to two applications for execution of decree, appertaining to the Courts of the Judge and the Moonsiff of Mirzapore, neither of whom, under the explanation offered, can be considered obnoxious to blame for their protraction; the arrear in this branch of business is larger than at the end of 1844, but the increase is principally observable in the Moonsiffee of Kuchwa, which was vacant until the 8th April, when the present incumbent was put in charge, subject to the approval of the Sudder Dewanny Adawlut, by whose order he was subsequently, under date 10th May, confirmed in this appointment; the increase of arrear, however, is too inconsiderable to need further notice.

Judge.	
Headings, Nos. 1 to 14	366
,, ,, 15 to 17	1119
	1485

Principal Sudder Ameen.	
Headings, Nos. 1 to 14	492
,, ,, 15 to 17	744
	1236

125. Mr. A. P. Currie, who was uninterruptedly in charge of this district throughout the past year, was enabled, notwithstanding his occupation for 45 days in Sessions and Criminal duties, and the allotment of 40 more to the hearing and determination of Appeals from the decisions of the Moonsiffs, located in the Family Domains of the Benares Raja, to dispose of all the regular cases on his file, excepting 18, which were instituted for the most part within the last three months of the period under review, and to pass orders on the merits of 325 miscellaneous cases under Headings Nos. 1 to 14 of Statement No. 2, the various matters, enumerated in the margin,* being included in the latter item; the determination, therefore, of 123 Appeals from the decisions of the subordinate judicial Officers, however numerically

Certificates &c. under Act XX. of 1841.	71
Petitions for summary Appeal, ...	18
Petitions of Appeal under Regulation VII. of 1825, ...	37
Miscellaneous and interlocutory Appeals, ...	29
Petitions from Paupers.	51

small, could not, obviously, have been exceeded, and credit must not, on account of that numerical deficiency, be withheld from Mr. Currie, whose personal industry has been quite commensurate with the necessity for its exercise, and whose supervision of the Lower Courts has been active and effective. The Court are gratified to observe, that the Judge has been relieved from the duties, connected with the Family Domains of the Raja, which were imposed upon him by the Resolution of Government dated 6th April 1843, the office of Superintendent having been apparently revived, and that his undivided attention may now be given to the improvement of the Civil and Criminal administration in the District committed to his charge; Regulation VI. of 1832 was not practically in operation during the past year, the reasons assigned by Mr. Currie for not employing the Agency, which it permits, being similar to those urged by him in former Annual Reports.

126. Of 11 cases, heard by the Sudder Dewanny Adawlut in Appeal from Mr. Currie's Court, his judgment was affirmed in 3, and reversed in 1, and the remainder were sent back by remand for re-investigation or retrial.

127. The expectations entertained of Mr. Campier, the Principal Sudder Ameen, on his translation to this District have not been disappointed; though disposing of business with less expedition than many other Officers of his grade, he is said to be conscientious and painstaking, and peculiarly well fitted, by the strict integrity of his character, for the Office of Principal Sudder Ameen at Mirzapore; the income of regular business is not considerable, and Mr. Campier is able to dispose of it with sufficient promptitude to prevent the accumulation of arrear, without at the same time neglecting the important duties of the miscellaneous department. It thus happens, that, though no more than 134 original suits were brought to decision in this Court after investigation of the merits, the file at the close of the year exhibited only 72 cases awaiting a final order, all of which had been instituted since its commencement, when the depending arrear amounted to 94 cases: in the miscellaneous branch also, Mr. Campier's industrious exertion is testified by the investigation and decision of 1143 cases and petitions, of which 436 appertained to the first 14 Headings of Statement No. 2, and comprised, among other matters, the full or partial enforcement of 188 decretal orders, and the disposal of 202 petitions of objections, brought forward in course of execution, and it reflects credit on the Principal Sudder Ameen, that when December ended, there were no matters of long standing, remaining for future determination. In touching upon the result, with which Appeals from Mr. Campier's orders were attended during the year 1844, the Court remarked* that there was "no reason to question the labor and care bestowed by him on the investigation of the cases, referred to his Court for adjudication," but that the imperfection of his judgment must be ascribed to some mental defect: whether this conclusion be correct or otherwise, may be doubted, but certain it is, that it is not borne out by the experience of the past year, during which the paucity of Appeals instituted (24) is no less creditable, than the mode, in which they terminated, no ground having been found for interfering with his judgment in 12 out of 18 cases, revised by the Judge, or 66 66 per cent; his orders were modified in the only 2 Appeals, which came before the Sudder Dewanny Adawlut during the period under review.

* v. Paragraph 141 of Report for 1844.

128. As incidentally noticed in a preceding paragraph of this Report, one of the three Moonsiffs' Courts, which compose the inferior judicial establishment of this District, was vacant until the 8th April, on which date Heera Lall, the newly appointed incumbent, joined his Office at Kuchwa, and the Court would be glad if to this interruption they could reasonably attribute the falling off in the quantity of work brought to conclusion in these Courts but there is no ground for such a supposition, seeing that 81 cases constituted the whole arrear, depending on the regular file of the Kuchwa Moonsiff at the close of the period under

notice; it would seem, rather, that Mr. McGowan, the Moonsiff of Mirzapore, though not, perhaps, actually remiss in the discharge of his duties, has been less diligent than in preceding years, having fallen short, in the number of his monthly decisions, of the fixed numerical standard, and permitted an accession of 44 cases to the arrear on his file, as compared with its condition at a corresponding period of 1844. The work disposed of by these three Officers collectively, comprehends the determination, after trial, of 726 regular suits, at an average of 242 to each; and the decision after investigation of the merits, of 743 miscellaneous cases, but it is to be remarked that of the former, 449 only were contested suits, 53 having been tried exparte, and 224 brought to a close on confession of judgment; the proportion of cases thus disposed of being smaller than that, noted in the 133rd paragraph of the last Report, leaves the number of judgments, passed after examination of the pleas urged by both parties, somewhat in excess of those similarly adjudicated in 1844, a fact, which affords a better and more equitable criterion of the industry actually applied to this branch of business than any other. 292 decreed claims were completely satisfied, and 122 others were partially settled in these Courts, Mr. McGowan, as in other years, excelling the other functionaries of the same grade in having disposed of 238 of all the applications, struck off under those two conditions, but this superiority is traceable to his location in the City, and the institution of more business of this nature in his Court, than in the other Moonsiffees, for of the 186 cases, which were undecided at the close of the year, 70 or nearly 2-5ths appertained to his file. In the marginal memorandum is exhibited the issue of such Appeals from the Moonsiffs' Courts, as went to decision in the local appellate tribunals, and, whether collectively or individually considered, it must be admitted to represent the judgment of the several Officers concerned in a favorable light, the more so, as the two incumbents in the Chunar and Kuchwa Moonsiffees have had but little judicial experience, and might have been excused, if they had erred more frequently in judgment, than they would appear from this result to have done: nor is it less creditable to these Officers, that, though they passed orders on the merits jointly of 304* contested actions, no more than 24 Appeals were preferred from their decisions, which may therefore be inferred to give very general satisfaction to the litigant community.

	Tried.	*Confirmed.*	*Reserved or Modified.*	*Percentage of reversals.*
Mr. McGowan, Moonsiff of Mirzapore,	60	46	14	23.33
Mr. Garland, Moonsiff of Chunar,	16	13	3	18·75
Heera Lall, Moonsiff of Kuchwa,	8	8	0	0.

Mr. Garland,	123
Heera Lall,	181

129. The subjoined statement exhibits the outlay incurred by Government in the maintenance of the inferior judicial Establishment of this District, as compared with the amount, realized by the sale of stamped paper, filed in these Courts, which falls short of the former in the sum of Rupees 1265 15 4.

Moonsiffee.	*Cost of Establishment &c.*	*Amount realized by sale of Stamps.*	
Mirzapore, ...	2280 0 0	2071 0 0	
Chunar, ...	1680 0 0	1083 0 0	
Kutchwa, ...	1433 3 4	973 4 0	*Difference*
	Rs. 5393 3 4	412 4 0	1265 15 4

It will be observed, however, that the income of business in the Chunar Moonsiffee is on the increase, and there is every probability that this increase will be progressive, seeing that the extensive tract of country, comprised within the jurisdiction of this Court, though at present

thinly populated and cultivated, possesses capabilities of improvement and natural resources, which time and the influence of a good administration will gradually develope. Since the commencement of this year the jurisdictions of the Moonsiffs' Courts have undergone revision, as reported in my letter No. 559 dated 13th April last, and, though they do not exactly correspond with the fiscal divisions of the District, the arrangement, it is hoped, will fulfil all the objects proposed by the Resolution of Government dated 30th October 1837; its main features consist in the annexation of the Shahgunje and Chunar Tehseeldarees to the jurisdiction of the Chunar Moonsiff, in the partition of the Huzoor Tehseel between the Moonsiffs of Mirzapore and Kutchwa, and in the removal of the latter tribunal to the City, where it will be more accessible to suitors, than was its former transgangetic locality, and where its operations will be more easily and closely supervised, owing to the proximity of the local Appellate Court.

130. In conclusion the Court have much satisfaction in reporting, that with the aid of the Ministerial Officers of the Lower Courts, and without any other expense, than that incurred in the preparation of racks "the records of this Judgeship have been redeemed from a state of utter confusion" (*v.* Appendix F. to Civil Report for 1841) and are now "in excellent order:" Mr. A. P. Currie is thought by the Court to merit much praise for his prompt and thoughtful application of available means to the accomplishment of this tedious undertaking.

BENARES.

131. The 137th paragraph of the Court's Report for 1844 was devoted to an examination of the condition of the general file, in respect of cases older than a twelvemonth, as compared with the results exhibited in the Statements of preceding years, and commented in terms of commendation on the great improvement, which appeared to have been effected by the exertions of the subordinate judicial agency, and the supervision maintained by Mr. D. B. Morrieson on their acts. The Court have no reason to suppose, that during the past year the industry of the former has been incommensurate with the necessity for its exercise, or that the controlling authority of the latter has been less vigorously exerted, but in both the Principal Sudder Ameen's Courts, and in the Courts of the Moonsiffs collectively the arrear is shewn to have been larger at the close, than at the commencement, of the year under report, notwithstanding that the suits before the several tribunals were less numerous by 356, than in the preceding year: the decisions on trial are found to have been fewer by 470, a diminution of 24 being likewise apparent in the number of cases otherwise disposed of, and the effect is shewn by the accession of 138 suits to the arrear on the general file, as compared with its condition at the close of 1844. This result, less favorable perhaps than that represented in the 137th paragraph of the last report, may be ascribed partly to the vacation of the Additional Principal Sudder Ameen's Court for nearly four months, owing to the incumbent's ill health, and partly to change in the constitution of the subordinate judicial agency under circumstances, which will be explained in a subsequent part of this report, but whatever the cause, the falling off in the quantity of work is hardly more than in due proportion to the decrease in the income of Civil business, and is abstractedly so small as to afford no ground for apprehension as to the future efficiency of the administration, or for the imputation of remissness, collectively, to the Officers engaged. When the period under notice closed, the arrear of longer standing than a twelvemonth consisted of 4 regular suits, all of which had been remanded to the Principal Sudder Ameen's file within the last 2 months of

Judge.		
Headings, Nos.	1 to 14,	.. 618
" "	15 to 17,	.. 5151
		5769

Principal Sudder Ameen.		
Headings, Nos.	1 to 14,	.. 1147
" "	15 to 17,	.. 852
		1999

Judge.	2	Heading 11.
Principal Sudder Ameen,	3	Heading 17.
Addl. Princl. Sud. Ameen,	8	Headings 6. 10. 1317.
Moonsiffs of Serai Moghul,	1	Heading 1 statement No. 3.
	11	

the year, and of 14* miscellaneous cases, but two of which related to the execution of Decretal orders: some of these have been determined since the commencement of the present year, and others were prolonged beyond the period of a twelvemonth by the necessary observance of legal requirements; in some few instances needless delay is imputed, and justly imputed, to the additional Principal Sudder Ameen, but it is not of a nature to call for detailed remark or for any expression of the Court's displeasure. Although, therefore, the old arrear of the miscellaneous department was numerically larger at the close of 1845, than at a corresponding period of the preceding year, its character and condition were not such as to detract from the credit, which is due equally to the several judicial Officers employed for their activity and diligence, and to Mr. Morrieson for his careful and efficient supervision.

132. The Judge's Court was administered uninterruptedly by Mr. D. B. Morrieson until the 15th November, when he was relieved, on his removal to the Office of Commissioner, by Mr. Rivaz, who, together with his Report and the prescribed Statements, has submitted a minute, left on record by his predecessor, to which the Court in noticing the performances of the uncovenanted judicial Officers, and commenting on their character and conduct will frequently have occasion to advert. During 170 days, that were devoted to the duties of the Civil Court, 200 regular suits, all, save one, Appeals, were brought to decision on trial, 188 by Mr. Morrieson, and 12 by his successor, and in the miscellaneous department 352 cases and petitions under the first 14 Headings of Statement No. 2, were disposed of by orders on their merits, in addition to numerous matters, classified under the remaining headings of the same Statement. In connection with this subject it may be right to mention, that an erroneous practice of transferring interlocutory and miscellaneous Appeals to the Principal Sudder Ameen for adjudication, was incidentally brought to the knowledge of the Court, and promptly corrected, the opportunity being taken to point out the principle, by which the Court were guided in giving effect to the provisions of Section 8, Act XXV. of 1837, under which the Sudder Dewanny Adawlut are empowered to make over to the Principal Sudder Ameens "any Civil proceedings miscellaneous or summary," from the files of the Zillah or City Judge, with this condition attached, that "an Appeal from the order of the Principal Sudder Ameen in such cases shall lie in the first instance to the Zillah or City Judge, and specially to the Sudder Dewanny Adawlut;" it was noted, in addressing Mr. Morrieson, on this subject, that the cases, declared by Circular Order No. 148 dated 10th April 1841, to be transferrible to the Principal Sudder Ameens, were of a primary or original character, and that all matters, partaking of the nature of Appeals, were advisedly excluded for this obvious reason, that, were they to be decided by a Principal Sudder Ameen, either the requirements of Section 8, Act XXV. of 1837, as above recited, could not be observed, or the legal anomaly of a third Appeal would be necessitated. In order to obviate the recurrence of such an error as that noticed, a modified Form of the miscellaneous Statement, together with instructions for the guidance of the Judges in the transference of miscellaneous and summary proceedings to the Principal Sudder Ameen, has been recently, 27th December 1845, prescribed. The quantity of business dispatched in this Court, is considered creditable, with special reference to the reduction of the depending arrear in both departments, to the vigilant controul exercised by Mr. Morrieson over the acts of his subordinates, and to his occupation for 65† days in other than the duties of the Civil Court. Two suits, in the hearing of which Assessors were associated with the Judge under the provisions of Regulation VI. of 1832, were decided in accordance with their opinion.

† Mr. Morrieson was engaged in the Committee of Examination of Candidates for Moonsiffees, 3
in Miscellaneous, Sessions and Criminal duties, he was occupied 43 and Mr. Rivaz 19 days, 62
65

133. The Sudder Dewanny Adawlut modified Mr. Morrieson's judgment in one out of two cases, that came before them in special Appeal, and remanded the other for re-investigation or re-trial, after restoration to its original number on the file.

134. In the 141st paragraph* of the last report allusion is made to certain correspondence regarding the proposed reduction of the judicial establishment at Benares, by the abolition of the Additional Principal Sudder Ameen's Court, and the substitution of other arrangements, equally calculated to secure the prompt and efficient administration of justice, and the experience of the past year has only served to confirm the correctness of the opinion, entertained by the Court and the local authorities on this subject. The following tabular statement, in which the quantity of work instituted, pending and disposed of in the Courts of the Principal Sudder Ameen, and Additional Principal Sudder Ameen, is entered, will serve to shew, that no inconvenience has resulted from the absence of the latter for a period of nearly four months, and may be thought to justify the inference, that the retention of the Additional Principal Sudder Ameen's office now, that the circumstances which originated its institution have ceased to exist, imposes a considerable expense upon the Government without any commensurate advantage to the people.

* v. Your letter No. 915, dated 7th March 1845, and preceding correspondence.

Statements of regular, and miscellaneous business, instituted, pending, and disposed of in the Courts of the Principal Sudder Ameen and Additional Principal Sudder Ameen of Benares.

	Regular.					Miscellaneous.					
						Headings 1 to 14 Stat. No. 2.			Headings 15. 16 & 17.		
	Before the Court.	*Decided on trial.*	*Dismissed adjusted and withdrawn.*	*Total.*	*Pending.*	*Decided on merits.*	*Struck off.*	*Pending.*	*Decided on merits.*	*Struck off.*	*Pending.*
Principal Sudder Ameen,.....	293	176	41	217	76	425	129	174	298	32	39
Additional Principal Sudder Ameen,	152	59	8	67	85	253	60	121	425	9	53
Total,....	445	235	49	284	161	678	189	298	723	41	92

It seems only requisite to remark in regard to the foregoing memorandum, that the majority of the regular cases disposed of in these Courts were original suits, the income of Appeals not having been sufficiently large to call for the constant aid of the Principal Sudder Ameen in their adjudication, and that the miscellaneous business dispatched comprised 303 applications for execution of decree, struck off, 199 by the Principal Sudder Ameen, Mahomed Jumeeloodeen Khan, and 104 by the Additional Principal Sudder Ameen, Dyaram Pundit, after either full or partial enforcement; in neither department was the arrear considerable, or of a nature to interfere with the impression, which the Court have conceived, of the practicability of abolishing the Additional Principal Sudder Ameen's Court without any detriment to the public interests. Moulvee Mahomed Jumeeloodeen Khan receives Mr. Morrieson's commendation for his exertions "in wiping off old suits," for the regularity of his attendance at office, his docility and the general correctness of his behaviour, and is reported, moreover, to have corrected in a measure his objectionable propensity to come to a decision without the deliberation which is so essential to judicial efficiency; it may be questionable, whether this conclusion is corroborated by the marginal note of Appeals from decisions, passed by him in his capacity of Principal Sudder Ameen and Sudder Ameen

Tried.	*Confirmed.*	*Reversed or modified*	*Percentage of reversals.*
41	25	16	39.02

but the issue of Appeals is avowedly an unsafe test of judicial ability, and the Court would prefer to abide by the opinion, which Mr. Morrieson has formed after careful examination of the Principal Sudder Ameen's proceedings, and a close observation of his official conduct; his integrity is unimpeached, and that is in itself a recommendation, that cannot be too highly appreciated. Pundit Dyaram, who was selected for the post of additional Principal Sudder Ameen on the removal of his predecessor Mr. Campier to Mirzapore, arrived at Benares but a few days before the beginning of the year under report, and was compelled by failing health to absent himself from the 22nd July to the 14th November; of his efficiency as a Judge the marginal note conveys no very favorable impression, but his conduct is said to have been "correct and exemplary," and the high character, which he enjoyed as Sudder Ameen and Moonsiff of Bijnore, is thought to be unimpaired; there is reason, however, to believe, that the Pundit is beginning to feel the infirmities of age, and will hardly be able much longer to render efficient service; it is in contemplation, as the Government are aware, to remove him, on opportunity offering, to another jurisdiction, and then to bring under reconsideration the revision of the judicial agency in this District. Both these functionaries, it is proper to add, were more than once censured for delays and irregularities, which were thought by the Judge, who revised the periodical statements from this District, to be attributable to carelessness, and inactivity.

Appeals Tried.	*Confirmed.*	*Reversed or modified.*
13	7	6

135. In adjusting the jurisdictions of the Moonsiffs' Courts, subordinate to this Judgship, agreeably to the principles laid down in the Resolution of Government dated 30th October 1837, it was proposed by Mr. Morrieson to abolish the office at Mehndooadeh, and to include the tracts, heretofore forming that jurisdiction, in that of Chandnee Chowk: these changes, as sanctioned by the Court and reported to Government in my letter No. 1265 dated 24th July last, were carried into effect about the middle of the year, and on the 11th of August the Moonsiffee of Mehndooadeh ceased to exist, the regular and miscellaneous cases, then pending, being transferred to other Courts; the subordinate agency on its former footing was in operation for little more than 7 months, and during the remainder of the period under report four Moonsiffs, holding Court at Jugutgunje, Chandnee Chowk, Serai Moghul and Secrole were actively employed. It is probably ascribable to these changes, and to the difficulties, which the introduction of all changes more or less involves, that the performances of these Officers collectively fall far short of what was accomplished in 1844, and that, notwithstanding the diminished income of business, the arrear, both in the regular and in the miscellaneous department at the close of 1845, exceeded that, which at a corresponding period the general files of these Courts exhibited. The business transacted in these Courts comprehended the decision on trial of 1355 regular suits, [of which 268 were tried exparte and 211 were decreed on confession of judgment] and the disposal, by an order on the merits, of 1956 miscellaneous cases, inclusive of 492 decrees completely, and 158 others, partially executed, results, which, though they might certainly have been exceeded without difficulty, cannot be pronounced positively unfavorable; while Doobey Joulapershad, the Moonsiff of Juggutgunje has, as heretofore, surpassed his brother Officers, and exceeded the prescribed minimum of annual decisions, Benee Loll, the Moonsiff of Chandnee Chowk has barely attained to it, and the other Officers, located at Secrole and Moghul Serai have fallen far short of it, and, reference being had to the number of cases, which awaited decision at the end of 1845, there may be reason to conclude, that their failure to approximate more closely to the fixed standard was not altogether unavoidable. With the exception of Hussun Ruza Moonsiff of Secrole, with whom Mr. Morrieson would seem to be not quite satisfied, and of Inayut Hussun, lately transferred from Mendooadeh to the Mynpooree District on the abolition of his office, all the judicial officers of the lowest grade are mentioned by Mr. Morrieson in terms, which convey a favorable opinion, generally, of their official character and conduct, but Benee Loll, the Moonsiff of Chandnee Chowk, the Court regret to

observe, is complained of as becoming careless, and being disposed rather to cavil at instructions issued to him than to obey them, propensities, which it will behove Mr. Rivaz to check in the most prompt and peremptory manner, before they get beyond the bounds of correction. During the past year 173 Appeals from these Courts were adjudicated by the Judge and Principal Sudder Ameens* with a result, which taken collectively, cannot be pronounced to represent the judicial ability of the several functionaries concerned in a favorable light, [reversals bearing a proportion of 45·08 to the whole number tried,] and which is inferior to the issue observed both in 1843 and 1844; an exception, however, should be made in favor of Joolapershaud, to whose reputation the paucity of Appeals instituted is no less creditable, than the result of those tried, and whose advancement the Court will endeavor, on the earliest occasion that may offer, to further; Kazee Furzund Alee has maintained the respectability of character ascribed to him by Mr. Morrieson, and adverted to in the 144th paragraph of the last report, and in estimating his qualifications, as inferrible from the Appeal Statement, it must always be remembered, that the suits commonly instituted in his Court relate to property in land, and involve questions of greater intricacy and difficulty, than cases connected with petty commercial transactions, which usually form the staple of work in a Moonsiff's Court.

	Tried.	*Confirmed.*	*Reversed.*
Judge, ...	127	63	64
Principal Sudder Ameen, ...	36	24	12
Additional Principal Sudder Ameen, ...	10	8	2
	173	95	78

	Confirmed.	*Reversed or modified.*
† Joolapershad, Moonsiff of Juggutgunge, ...	7	2
Benee Loll, Moonsiff of Chandnee Chowk, ...	20	13
Furzund Alee, Moonsiff of Moghul serai, ...	9	6
Hussun Ruza, Moonsiff of Secrole, ...	38	44
Inayut Hussun, Moonsiff of Mehndooadeh, ...	21	13
	95	78

136. The Court know not, that any other circumstances, connected with the Civil administration in Benares, call for special notice at their hands; in the margin is a comparative statement exhibiting the cost, during the past year, of the subordinate judicial establishments, and the amount realized by the sale of stamped paper, used in the several Courts, but it suggests no remark, save that possibly in the current year, owing to the reduction of expenditure by the reduction of one Moonsiffee, there may be a difference in favor of the Government. In the 23rd paragraph of his report, Mr. Rivaz reverts to the insufficiency of the allowance, received by the Moonsiffs for the support of their ministerial agency, an evil, the correction of which the Court have ventured more than once to urge on the consideration of Government in the strongest language, but which still remains uncorrected, a reproach to the Government, and a stumbling block of offence to all, who are interested in raising the respectability of the judicial office, and in promoting the welfare of the civil administration. The progress made in the arrangement of the records having been but very recently reported* to Government, it may be sufficient to note in this place, that the undertaking would seem either to have been more onerous than was at

Moonsiffee.	*Cost of Establishment.* Rs. A. P.	*Amount realized by sale of Stamps.* Rs. A. P.
Juggutgunge, ...	1680 0 0	1518 12 0
Chandnee Chowk, ...	1680 0 0	2024 6 0
Serai Moghul, ...	2280 0 0	1180 8 0
Secrole, ...	1680 0 0	1136 8 0
Mehndooadeh up to 11th August 1845,	1029 10 3	293 8 0
	8349 10 3	6183 10 0

* *v.* My letter No. 526 dated 6th April 1846, and enclosures.

first anticipated, or to have proceeded towards completion with less rapidity, than might have been desired, seeing, that although the whole sum, sanctioned by Government for this purpose, has been expended, little more than half the work has been accomplished; it is hoped, that Mr Rivaz may not be left without the means of finishing that, which has been hitherto successively conducted by his Predecessor, at an expense, which will have been fruitlessly incurred, if the work be now suffered to remain incomplete. I am directed to refer for full particulars of Mr. Morrieson's proceedings and intentions in this matter to the closing paragraphs of his minute, which is submitted together with the Report of the Officiating Judge and is deserving of perusal.

GHAZEEPORE.

137. It is with much gratification, that the Court proceed to report on the operations of the Civil Courts in this District during the past year, and to notice with praise, the zealous exertions of Mr. Heyland for the promotion of the important interests, committed to his charge. An increase in the number of suits instituted, to the extent of 502, as compared with 1844, has been met by a corresponding increase in the amount of work dispatched, the expedition, which was so marked a feature in the administration of 1844, has been maintained without any sacrifice, it is believed, of the deliberation and research which judicial business demands, and, so far as the Court are enabled to form a judgment from the papers before them, the system has been brought as nearly to a state of perfection, as the character of the agency available will permit. Owing to a decrease of 160 suits on the general file, at the end of 1845, as compared with its condition at a corresponding period of the preceding year, there were but 342 more suits before the Courts awaiting disposal, but the decisions after trial were more numerous by 161, and therefore the depending arrear exceeded that of 1844 by no more than 186 cases, all of which excepting 3, had been instituted within the last six months of the period under report. When it is considered that, in addition to the heavy miscellaneous business devolving upon the Civil Courts, 451 regular suits were determined after trial, on an average, by each of the seven functionaries, who compose the judicial establishment of this District, that 1697 decrees were either fully or partially enforced, and that all this work was dispatched with a degree of expedition and regularity, which enabled "the parties themselves generally to be present from the first institution of their suits to their final decision" "without detriment to their usual avocations," and at the close of the year left but 7 cases, whether regular or miscellaneous of longer standing than six months, it will be admitted that Mr. Heyland, no less than his subordinates, is entitled to much praise for successful industry and untiring zeal. The large increase, above noticed, in the number of suits instituted is attributed by the Judge to the greater promptitude, with which they are adjudicated, and the necessity of additional agency is anticipated, should it continue to be progressive, but this augmentation will be attended with no expense, the sum realized by the Sale of Stamps for use in the Moonsiffs' Courts largely exceeding the cost of their maintenance, as shewn in the subjoined table.

JUDGE.

Headings, Nos. 1 to 14, ...	479
" " 15 to 17, ...	4280
	4759

PRINCIPAL SUDDER AMEEN.

Headings, Nos. 1 to 14, ...	410
" " 15 to 17, ...	412
	822

	Salary and Establishment.	*Realized by sale of Stamps.*	*Refunded.*	*Net revenue realized.*
Court of Sudder Ameen and Moonsiff, ...	3960 0 0	11250 14 0	723 0 0	10527 14 0
Four Courts of Moonsiffs, ...	7320 0 0	10015 14 0	574 0 0	9441 14 0
	11280 0 0	21266 12 0	1297 0 0	19969 12 0

The Court would be disposed to view such a proposition favorably, it being evident from the returns above analised, that the energies of the Judicial Officers now employed are taxed to their utmost in preventing the accumulation of arrear, and that greater expedition in the disposal of business, than that already attained, cannot be expected or desired.

138. Mr. A. C. Heyland, who held the office of Judge throughout the year, and whose duties in the Criminal department occupied only 36 whole days, and part of 32 more, brought to decision on trial 505 regular suits, all with one exception being Appeals from his subordinates, and availed himself of the agency, provided by Regulation VI. of 1832, in the adjudication of two cases only, which were decided in accordance with the opinion delivered by the Assessors engaged: he comments, as in former reports, on the difficulty experienced in enlisting the services of respectable and unbiased persons in giving effect to this law, and adds, that, though he has always intimated to litigant parties his readiness to secure the co-operation of natives, if possible, he has failed to elicit from them any expression of a wish to that effect; it is impracticable to account for the variety of opinion and of practice, that prevails in respect of this law, which, though it has been nominally in operation for 14 years, remains in many Districts a dead letter, as regards civil actions. A large quantity of miscellaneous business, comprising 479 cases and petitions under Headings 1 to 14 of Statement No. 2, and 4338 orders on proceedings, reports and motions of every description, were likewise disposed of by the Judge, whose diligence is no less remarkable in this, than in the scarcely more important department of regular work, and whose good sense is apparent in the extensive use, made of the Principal Sudder Ameen's very efficient assistance. That office was administered throughout the period under report by Moulvee Mahomed Zuhoor with the ability and integrity, for which he has been long and deservedly distinguished, and his performances exceeded those of any preceding year; besides investigating and deciding 401 regular cases, of which 131 were original suits, and 270 Appeals from the decisions of the Moonsiffs (the majority of which were made over to him after perusal of the record by Mr. Heyland) he disposed of 702 cases of a miscellaneous nature, of which 290 appertained to the first 14 Headings of the Statement devoted to the exhibition of that description of work, and comprised 161 decrees either completely or partially enforced, the arrear, left for future disposal at the close of the year, amounting only to 62 cases. It reflects credit on the Principal Sudder Ameen, and may be received as an indication of the honesty of purpose, with which his authority is exercised, that during the past year only 74 Appeals were preferred from his decisions, 64 to the Judge, and 10 to the Sudder Dewanny Adawlut, and that of 75 cases, (inclusive of some remaining over from 1844) subjected to the revision of his immediate superior, before the close of the period under notice, his judgment was suffered to remain unaltered in 50, or a proportion of 66. 66 per cent, while of ten regular Appeals, disposed of by the Sudder Dewanny Adawlut, five terminated in the confirmation of his decision, and three in its modification, the other two having been, the one remanded, and the other dismissed. The Court desire me, in closing this review of Moulvee Mahomed Zuhoor's proceedings, to record the high opinion, which they entertain, of his character as a man, and his qualifications as a Judge, and to recommend him specially to the favorable consideration of Government.

139. Mr. James Kirk, the Sudder Ameen and Moonsiff of Ghazeepore, is said to be very "zealous in the discharge of his duties," and to give "much satisfaction in the appointment he holds," and certainly the details, exhibited in the statements under notice, go far to corroborate this favorable opinion. His work in the regular department comprehended the investigation and decision of 490* regular suits, of which 152 fell under his jurisdiction as Sudder Ameen, and 338 were disposed of in his inferior capacity of Moonsiff, and in the miscellaneous branch orders were passed by him on the merits of 2035 cases of all descriptions, 439 applications for execution of decree, either completely or partially complied

* Of which, Exparte, .. 106
Confession of judgment, .. 50

with; and 177 petitions of objections preferred in course of execution, being included in that number. If this epitome of Mr. Kirk's performances be considered to afford sufficient evidence of industrious application, the marginal Extract from the Appeal Statement will be thought to betoken the exercise of a sound and careful judgment on the matters submitted to his adjudication, in so far as the result of Appeals decided can be received as a test of judicial efficiency; it must, however, be added, as in the last annual report, that the proportion borne by Appeals preferred to decisions passed in contested suits, though smaller than in 1844, still continues considerable, amounting, as shewn in the following Statement, to 49·40 per cent.

Appeals Tried.	*Confirmed.*	*Reversed or modified.*	*Percentage of reversals.*
157†	117	40	25.47

Decided on trial.	*Deduct Exparte and Ikbaldawa decisions.*	*Appeals instituted within a year.*	*Proportion per cent.*
490	156	334 165	49·40

The objects, proposed by the creation of this office, would seem to have been completely answered, the file of the Principal Sudder Ameen having been thereby relieved of many cases which must have been otherwise referred for decision to his Court, and his valuable services thereby rendered available in the hearing of Appeals, and the enforcement of decretal orders. Neither the Principal Sudder Ameen nor the Sudder Ameen was required to give his aid in the Magisterial department.

140. All the Moonsiffs of this District, four in number, receive credit for the diligence and the regularity, with which they have applied themselves to the performance of their responsible duties, and the Court see no reason to qualify the praise, which Mr. Heyland's remarks imply. Exclusive of those decided by Mr. Kirk as Moonsiff of Ghazeepore, there were 1761* regular suits disposed of in these four tribunals, after investigation of the merits, at an average of 440 to each Officer, and in none was the arrear, awaiting future disposal, disproportionate to the quantity of business instituted and dispatched; to this, in estimating the exertions of the functionaries concerned, their labors in the miscellaneous department, including, besides other work, the full or partial enforcement of 1002 decreed claims, in the proportion of 753 to the former and 249 to the latter category, must be superadded, and the very recent institution of all depending cases, whether regular or other, must be considered. Of the judicial merit of their decisions the Court have no other means of forming a judgment, than the details represented in the Appeal Statement, and the information, communicated by the trying Officer on this head: in the marginal extract is represented the result of Appeals, brought to decision within the year under report, and the inference deducible from it is hardly favorable, except in the case of Moulvee Abdoor Ruhman, the Moonsiff of Bulleeah, who by his exertions, and by the exhibition of much ability during the past two years, has altogether effaced the unsatisfactory impression, received from Mr. Heyland's report of his operations during the year 1843. The judgment of Bisseshur Dyal, too, who was transferred from the Goruckpore District towards the end of 1844, owing to constant indisposition, is creditably represented, no less by the paucity of Appeals preferred from his Court (which is not distant from the Sudder Station) than by the confirmation of his decision in the proportion of 80·41 per cent to the whole number revised, and the unfavorable con-

† Exparte, ... 381
Ikbaldawa, .. 305
686

	Tried.	*Confirmed.*	*Reversed or Modified.*	*Percentage of reversals.*
Sheik Ahmud Alee, Moonsiff of Sydepore, ..	69	39	30	43 · 47
Syud Ahmed Alee, Moonsiff of Rusrah, ..	155	85	70	45 · 16
Moulvee Abdoor Ruhman, Moonsiff of Bulleeah,	194	156	38	19 · 58
Bisseshur Dyal, Moonsiff of Mehomedabad, ..	85	61	24	28 · 23
	503	341	162	32 · 20

clusion in regard to Ahmud Alee of Rusrah, as deducible from the marginal table, becomes somewhat qualified by the fact, that of the 70 cases, which terminated in the reversal of his order, 38 turned upon one and the same point, and may be reckoned as one in the light, in which we are now regarding them; in the first suit the Moonsiff non-suited the Plaintiff on grounds, which were deemed by the appellate Court insufficient to warrant such an order, and his decision being reversed, the other 37 met with the same fate.

141. As connected with this subject, Mr. Heyland in the 16th paragraph of his report states, that many of the "modifications and reversals resulted rather from a defect in the nature of the decisions, than from a difference of opinion as to the real merits of the case," and subjoins an abstract of certain instructional orders addressed by him to the subordinate Judges, with a view to prevent the recurrence of such defects. It is thought unnecessary in this place to specify the particular points, to which these instructions relate, or to discuss their propriety, seeing that the Court have directed their withdrawal, being reluctant by a tacit acquiescence therein to recognise their validity, or to acknowledge the competency of a zillah Judge to issue such orders on his own responsibility; indeed the local Officers have been interdicted from laying down any rules of a general nature for the guidance of the lower Courts without the previous acquisition of the Court's concurrence, and the maintenance of this interdict is essential to ensure uniformity of practice in the Civil Courts, and to secure the efficiency of the Civil administration. Were this restriction relaxed, the system generally, no less than the principles to be observed in the adjudication of particular suits, would in the course of time become as uncertain and various as the opinions of the various Judges, who might be appointed to supervise the one, and to exercise a controul, in their Appellate capacity, over the other; the Judge, it is true, in discharging his Appellate functions, must be guided by his own view of the merits of each case, and of the law, bearing upon it, and his judgment may possibly be regarded as a precedent, though not binding as such, by his subordinates, but a judicial decision on a particular case, it must be remarked, is less liable to be misunderstood, and perverted or misapplied, than a general rule, intended to govern the adjudication of a class of cases, the intrinsic features of which may differ so materially, as to render that general rule wholly inapplicable to many. It is to be apprehended that in many instances the subordinate judicial officers would be embarrassed rather than aided by Mr. Heyland's instructions, and would err, in endeavoring to shape their course in all cases indiscriminately by the principles, which those instructions inculcate.

142. As it is probable, that the 21st paragraph of Mr. Heyland's letter, which relates to the Court's Circular order, dated 24th June 1842, on the subject of bringing suits for land in coparcenary estates, will attract the notice of the Hon'ble the Lieutenant-Governor, I am desired to state that the Judge has been required to submit for the inspection of the Court the records of a few suits, which are said to have been erroneously dealt with owing to "a misunderstanding of the nature of Zemindaree, Putteedaree, and mixed Putteedaree tenures," together with such portions of the proceedings of settlement, as may serve to exhibit the character of the tenure, and enable the Court to determine whether it has been misjudged. With reference, further, to the Judge's remark, that there are cases, "such as for the determination of shares according to ancestral right in the puttee of a Putteedaree Mehál, to which the rules are not quite applicable," it has been remarked, that the cases contemplated are probably those, in which claims may be advanced for re-division of land according to ancestral shares in a Putteedaree estate, the lands of which are occupied by the copercenary fraternity agreeably to local custom, and Mr. Hoyland has been requested to forward for examination the records of any cases of this nature, which may have been instituted in his Court or in any of the subordinate tribunals, with an expression of his opinion as to the mode, in which such suits should have been brought. The correspondence, which may ensue, will, if required, be submitted for the information of the Hon'ble the Lieutenant Governor.

143. It will be observed, that public offices cannot be provided for the Moonsiffs at the outlay, sanctioned by the orders of Government, dated 2nd October* 1845, that sum (Rupees 75) being insufficient for the erection or the purchase of a suitable building. As regards the regret, expressed in the 24th paragraph of his report, regarding the Court's discontinuance of the practice of issuing constructions, the Judge has been informed, that, when the local authorities differ as to the interpretation of a law, they are entitled by Regulation XXII. of 1803 to demand from the Sudder Dewanny Adawlut or the Nizamut Adawlut, a construction of its provisions, and in such cases the Court do not hesitate to give expression to their opinion, but, when no such difference of opinion has arisen, and when the question proposed is either hypothetical, or liable to come before the Court in Appeal, it has been of late judged the most prudent course to leave the local authorities to exercise their own discretion. As the Court have reason to believe, that the matter alluded to will shortly be brought under re-consideration, they have satisfied themselves with stating the present practice, and have abstained from detailing the views, which they entertain regarding it.

* v. Circular Order, No. 1879, dated 28th November 1845.

144. The issue of Circular Order No. 26, January 1846, restricting the currency and application of Construction No. 890, to the Lower Provinces, has led to an enquiry from Mr. Heyland, whether it is the intention of the Court to prohibit thereby "the sale of the rights and interests of Kashtkars in the fields held by them, in satisfaction of decrees," and as the subject is one of general interest, involving too, a question of law, the Court direct me to record in this place the substance of the reply communicated to him. The Court, presuming that Mr. Heyland alludes to the right of hereditary occupancy, possessed by certain agriculturists, who are generally designated in these provinces "Kashtkar" or "Assamee" or "Muzaruh Mouroosee" have remarked, that the rights of these parties are incidently mentioned in Clause 7, Section 32, Regulation XXVIII. of 1803, in the following terms, viz. "a leaseholder or other tenant, having a right of occupancy, so long as a certain rent or a rent determinable on certain fixed principles according to local rates and usages, be paid, without any right of property or transferable possession," and again in Clause 2, Section 10, Regulation VII. of 1822, their "right of hereditary occupancy, subject to the payment of a fixed rent, or of a rent determinable by a fixed principle" is contradistinguished from the rights of persons, possessing an heritable and transferable property in the land; these enactments, it has been added, appear to the Court, by the strongest implication, if not in direct terms, to declare, that the right, appertaining to the parties mentioned, is a right of hereditary occupancy subject to certain conditions, and not a right of property, and that the former is not transferable by sale, while the latter is so alienable. Mr. Heyland, apparently aware of the existing objection to the practice, which he advocates, argues that the consent of the proprietor must be held to invalidate it, but the Court have observed, that the "consent of the proprietor" cannot make that legal, which is opposed to or unsanctioned by the law, and that no considerations of expediency, however cogent, can justify recourse to an illegal measure; it may be quite true, as urged by Mr. Heyland, that money lenders will be at first subjected to some loss by the refusal of the Courts to sell the rights under notice, but the evil will in due time correct itself, and Mahajuns will not lend money, when they can obtain no sufficient security. Mr. Heyland has been cautioned that the Court do not mean by the foregoing remarks to declare, that there are no rights, appertaining to agriculturists, other than the generally recognized proprietors of the soil, which are transferable as well as heritable, but that generally, the right of hereditary occupancy, possessed by Mouroosee Assamees on certain conditions, is not a right of property, and is not transferable, that unless the specific right and interest proposed for sale in satisfaction of a decree, be proved judicially in a regular suit to be saleable, the Courts should decline to direct the sale.

KUMAON.

145. A falling off of 221 in the aggregate number of decisions, passed after trial in all the Courts of this Province, as compared with the result of their operations in 1844, is accounted for by a decrease in the income of business to the extent of 569 suits, while those before the Courts were likewise fewer by 421: at the same time, and probably owing to the same causes, the amount of depending arrear has been reduced from 1768 at the beginning, to 1511 at the end, of 1845, and this notwithstanding the absence of the Senior Assistant of Kumaon for 4 months, and his inability, by reason of his employment in settlement duty, to give so much time and attention to civil duty, as otherwise he might have done: the removal too of Mr. H. Ramsay to Gurhwal, and the substitution at Kumaon, as Junior Assistant, of Mr. Strachey, "young and inexperienced in office," and on his first arrival, "by no means well acquainted with the native language," may be noticed as circumstances, which could hardly have been without their effect on the operations of the Kumaon (proper) Courts during the past year; nevertheless the duties have been, as usual, creditably conducted, as a reference to the following table, which exhibits at a glance the quantity of business, both regular and miscellaneous, dispatched by all the Officers exercising judicial functions in the province, will shew:

COMMISSIONER.

Headings, Nos. 1 to 14,	221
,, ,, 15 to 17,	46
	267

2 *Senior Assistants.*

Headings, Nos. 1 to 14,	930
,, ,, 15 to 17,	285
	1215

1 *Junior Assistant.*

Headings, Nos. 1 to 14,	525
,, ,, 15 to 17,	0
	525

	No. of Regular cases, appeal and original before Courts.	*Decided on trial.*	*Dismissed on Default.*	*Adjusted or withdrawn.*	*Pending.*		MISCELLANEOUS. *Headings 1 to 14.*	DECIDED ON MERITS. *Remaining Headings.*
Commissioner Mr. G. T. Lushington,	968	399	269	125	175	Statement No. 2.	204	46
Senior Assistant Mr. J. H. Batten (Kumaon proper,)	635	200	44	215	176		139	29
Senior Assistant Captain Hillersden, (Gurhwal) and Mr. Ramsay,	1401	388	870	56	87		255	256
Junior Assistant Mr. H. Ramsay, and Mr. J. Strachey,	876	171	452	206	47		289	0
Sibchurn Sing, Sudder Ameen of Kumaon,	1825	330	909	190	396	Statement No. 3.	110	0
Trilochun Joshee, Sudder Ameen of Gurhwal,	1757	327	961	161	308		72	0
Moonsiff of Kumaon,	655	272*	143	128	112		0	0
Moonsiff of Gurhwal,	1415	204†	886	115	210		0	0
	9532	2291	4534	1196	1511		1069	331

* Exparte, ... 81
† Ikbal Dawa, ... 57.

Thus it would appear, that, though the quantity of work dispatched is less than that, represented in the returns for 1844, it has been attended by a corresponding reduction of arrear, and all the Officers, it may be added, the two Moonsiffs excepted, exceeded the prescribed standard in the number of their decisions: in the case of the Kumaon Moonsiff, the deficiency is not such, in the Commissioner's opinion, "as to render him liable to censure," and is in part accounted for by the fact of his having been deputed "to hold his Court during the commencement of the year in the Terai, and towards the end of it in the western portion of Kumaon," while, as regards the same Officer in Gurhwal, "the comparatively small number of cases referred to him by the Assistant" is urged, among other reasons not equally valid, in explanation of the failure. The Court can hardly concur with Mr. G. T. Lushington in the opinion, which he has expressed,* that "the occasional location of the Moonsiff's Court in those parts of the (Kumaon) Province, in which litigation chiefly obtains ought to be productive of benefit to those, who might otherwise be forced to attend at Almorah, on idle and vexatious claims preferred against them by the litigious mischiefmakers of the community," but, be that as it may, the Commissioner's competency under the rules in force to remove the Moonsiffs' Courts from place to place may be reasonably doubted, no less than the beneficial effect of such a practice on the Courts themselves: the point is under consideration. It is hoped that the re-introduction of the use of Stamps which formed the subject of correspondence, as noted in the margin†, may serve to repress the litigiousness of the hill-men, and reduce, as a matter of course, the number of groundless, fictitious suits, which, from the large proportion adjusted or withdrawn and dismissed on default there is good reason to believe, are too frequently instituted; the rules in question were communicated to the local authorities under date the 17th April last.

* v. paragraph 9.

† My letter No. 1451, dated 27th August 1845.
Your reply No. 4350, dated 8th October 1845.
My letter No. 78, dated 19th January 1846.
Your reply No. 1426, dated 6th April with Resolution and Rules of the same date.

146. During the past year 42 cases were decided with the aid of a Punchayet, and in the trial of 11 assessors were associated with the deciding Officer, the ultimate judgment having in all but one case been delivered in accordance with their opinion; the Commissioner observes that the people do not "manifest any increasing fondness for this system," and adds, with reference to a notion supposed to be prevalent "that an honest and impartial Punch is a thing no longer attainable in this age," that "its prevalence tends to shew that there must be a lamentable want of integrity and of mutual respect and confidence among the people themselves;" the Court are inclined to think that the perfect confidence, which the people, whether of the hills or the plains, have learnt to feel in the uprightness and intelligence of a European Judge, induces them to prefer rather that their disputes should be submitted to his adjudication, than to that of a Native functionary, equally able perhaps, and certainly more conversant with their habits, feelings and prejudices, but less trustworthy.

147. The miscellaneous business in this province relates almost exclusively to the execution of decrees, of which 626 were fully, and 188 partially enforced, 387 other applications having been struck off on default of the decree-holders. The two Sudder Ameens gave their aid in this department, having disposed of 179 of the applications, that were struck off on the two conditions first mentioned.

148. The nature of the Appeals, generally instituted in this province, having been explained in the 158th paragraph of the last report, as accounting satisfactorily for their unusually favorable result, it is thought sufficient to state that the decisions of the two Senior and the Junior Assistants were confirmed by the Commissioner in 246 out of 322 cases, that underwent his revision, and that the judgment of the two Sudder Ameens and two Moonsiffs in 359 suits was upheld in 270 of that number, the issue being particularly favorable in the

case of the Gurhwal Moonsiff, Sewanund Kundooree, the quality of whose work is thought in some measure to compensate for its deficiency in quantity. The qualifications of the several functionaries having been noticed cursorily in the Court's last report, and at some length in the Commissioner's letter which accompanied it, and the same individuals being still in office, there is the less reason to revert to the subject, but the Court think it due to Mr. Ramsay to state in the language of the Commissioner, that "his thorough acquaintance with the language, habits and prejudices of the hill people, added to great powers of endurance and zeal in the discharge of his duties, render him peculiarly well fitted for the office he lately held in Kumaon, as also for the higher grade, to which he has recently been appointed in Gurhwal," and likewise due to Sibchurn Sing, Sudder Ameen of Kumaon, to mention, that "he still retains his former character for integrity and laboriousness," and that "the quality of his work appears to have improved."

149. The papers before the Court seem to call for no further remark.

SIMLA.

150. A few brief remarks will suffice to shew, that the civil business, originating in this hill tract, has been promptly and efficiently dispatched by the established agency, and that hitherto no circumstances have occurred of a nature to favor the supposition of its inadequacy to the judicial wants of the tract in question. The increase in the number of suits instituted in 1844, as noticed in the 161st paragraph of the Court's report for 1844, was followed during the past year by a falling off in the regular business of the Courts to the extent of 36 cases; but the decisions on trial were nevertheless more numerous by 42, while the suits adjusted, withdrawn or dismissed on default, were fewer by 104, and the entire arrear, awaiting disposal at the end of the year, consisted of one original suit on the file of the Sub-Commissioner. In the superior tribunal administered throughout the year by Mr. Erskine, 54 regular cases (8 original and 46 appeals) were instituted, and were all disposed of, together with two remaining over from 1844, within the period under report, (one only excepted) 52 by decision on the merits, one by dismissal on default, and two by adjustment or withdrawal; while, in the miscellaneous department his work was, so to speak, nominal, having consisted in the enforcement of three decretal orders, and the disposal of a few matters of course, appertaining to the last three headings of statement, No. 2; in this department, likewise, there was but one case left for future disposal. A review of Mr. Brian Hodgson's labors is similarly satisfactory, and entitles him to the praise, which is due to a conscientious and industrious discharge of public duty; 768 regular suits brought on his file were all disposed of within the year by the trial and decision of 384* the dismissal on default of 250, and the adjustment or withdrawal of the other 134, while the miscellaneous business, which is almost wholly restricted to the Sudder Ameen's Court, included 243 applications for execution of decree, and was promptly brought to a termination, his files exhibiting no arrear of any description, when the year ended; of the 243 adjudicated claims, all but one were fully satisfied, and in the excepted instance partial enforcement was effected.

JUDGE.	
Headings, Nos. 1 to 14, ...	3
,, ,, 15 to 17, ...	114
	117

Exparte, ...	139
Ikbal Dawa, ...	68
	207
Contested Suits, ...	177
	384

151. It may not be irrelevant to observe, as accounting in some measure for the rapid and unembarrassed dispatch of civil business in this jurisdiction, that it consists almost exclusively of claims for debts on bond, wages, damages for breach of contract, and other petty transactions, which seldom involve questions of intricacy, and require but little time in their determination.

152. Out of 46 Appeals, preferred within the year, Mr. Hodgson's judgment was confirmed in 18, and reversed in 27 instances, one having been dismissed on default, a result which, it cannot be concealed, is much less satisfactory than usual, and may with advantage be made the ground of exhortation to Mr. Hodgson to be cautious, how he sacrifices due deliberation to the not uncommon desire of exhibiting clear and unencumbered files.

153. The correspondence, noted in the margin,* resulted in a notification dated 12th July 1845, intimating the transfer of appellate jurisdiction to the Sudder Dewanny Adawlut, in respect of all decisions passed by the Sub-Commissioner at Simla in original suits and regular appeals, but hitherto the arrangement has been practically inoperative, and the great distance of the appellate tribunal, no less than considerations connected with the reluctance of the hill people to expose themselves, without very cogent reasons, to the climate of the plains, induce the Court to expect but little addition to their judicial labor from the introduction of the rule referred to.

* Your letter No. 1816, dated 30th April 1845.
My letter No. 826, dated 12th May.
Your reply No. 2947, dated 12th July.

SUDDER DEWANNY ADAWLUT.

154. In the following note is exhibited the number of cases, pending before, and disposed of by, the Sudder Dewanny Adawlut in 1845, and the subjoined Table may serve further to illustrate the same.

Pending on the 1st January 1845,	Regular and Special Appeals, ...			133
Admitted during the year, ...	Regular Appeals, ...	97		
	Special Appeals, ...	128	———	225
				358
Disposed of, ...	Regular Appeals, ...	99		
	Special Appeals, ...	142	———	241
	Remaining on 1st January, 1846, ...			117

	Regular and Special Appeals.															Miscellaneous disposed of.			
	Pending on 1st Jany.			Admitted during the year.			Total before the Courts.			Disposed of.			Pending on the 31st December.						
	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Cases.	Petitions.	Petitions of Special Appeal.	Total.
1844	93	27	120	108	146	254	201	173	374	114	127	241	87	46	133	632	1851	676	3159
1845	87	46	133	97	128	225	184	174	358	99	142	241	85	32	117	610	1397	663	2670
Increase.	0	19	13	0	0	0	0	1	0	0	15	0	0	0	0	0	0	0	0
Decrease.	6	0	0	11	18	29	17	0	16	15	0	0	2	14	16	22	454	13	489

In addition to the above the Court disposed of—

Miscellaneous cases, ...	610
Miscellaneous Petitions,	1397
Petitions for admission of Special Appeals,	663
	2670

	Distribution of the cases disposed of with reference to the mode of disposal.								Dates of institution of Appeals pending on the 1st Jany. 1845, and the 1st January 1846.					
	Confirmed on perusal of the petition of Appeal and Decree of the Lower Court.	Confirmed after summoning the Respondent.	Reversed.	Modified.	Ordered back for re-trial or further investigation.	Dismissed on Default.	Adjusted.	Total.		1842	1843	1844	1845	Total.
1844	22	40	46	10	107	13	3	241	1844	0	2	13	118	133
1845	18	44	50	27	83	9	10	241	1845	0	1	8	108	117
	—4	+4	+4	+17	—24	—4	+7	0	Pending on the 1st June 1846.					
										1843	1844	1845	1846	Total.
										1	1	61	51	114

and in the Criminal Department trials regularly referred, 296
Trials called for, .. 169
Cases under Section 5 and 6 Act XXXI. of 1841, ... 50

515

Miscel. cases, 113
do. Petitions, 210 323

838

Messrs. Tayler, Thompson and Davidson were attached to the Court throughout the year, as permanent Judges, and neither absence nor other cause occurred to interrupt their labors.

155. It appears from the returns, that, with an aggregate of cases, pending before the Sudder Dewanny Adawlut at the beginning of 1845, more by 13 than at a corresponding period of the preceding year, and an income of Appeals smaller by 29, there were 16 fewer suits awaiting decision at the end of the year under report, than at the close of 1844. The number depending at the end of December comprehended nine appeals of earlier date than 1845, one having been instituted in 1843 and eight in 1844—an amount, which on the 1st instant had been reduced to one appertaining to each of those years, while 108 Appeals of 1845 had been reduced to 61; the aggregate number of appeals disposed of was exactly the same as in 1844, but an increase in that of special appeals, to the extent of 15, is apparent, and the miscellaneous business brought to a termination, it will be observed, was likewise less; but the falling off in this respect is rather nominal than real, being attributable to a different and a fairer system of enumeration, introduced during the past year. The petitions for admission of special appeal were fewer by 14 than in the period last reported on, and the following statements will shew how they, as well as the 241 admitted appeals, were adjudicated.

STATEMENT A.

OF ADMITTED APPEALS.

Confirmed on perusal of Petition of Appeal and Decree of the Lower Court,	18
Confirmed after summoning the Respondent, ...	44
Sent back for re-trial or re-investigation, ...	83
Reversed or Modified, ...	77
Dismissed on Default, ...	9
Adjusted, ...	10
	341

STATEMENT B.

OF PETITIONS FOR ADMISSION OF SPECIAL APPEALS.

Admitted.		*Rejected.*		*Struck off.*		*Total.*
127	....	459	....	77	....	663.

156. The amount of property, involved in these 241 appeals, was Rupees 21,59,816, and that at stake in the 117 appeals, remaining for future disposal at the close of the year, was Rupees 26,83,988. The value of property under litigation before all the Local Courts, when the year closed, was Rupees 52,63,406, making, with the value of appeals before the Sudder Dewanny Adawlut, as stated above, an aggregate of Rupees 79,47,394. viz.

In Original Suits,... .... Rupees 44,98,096.

In Appeals, ... „ 34,49,298.

The falling off in the amount of property under litigation is remarkable, being Rs. 45,07,827.

157. If cases, decided by the Sudder Dewanny Adawlut and the Courts of Kumaon and Simla, be excluded, the general abstract of operations gives the results, which follow: the aggregate of cases, instituted in 1845 before all the Courts, was 71,466, viz. original suits 64,743, and appeals 6,723, being more than those brought in 1844 by 3,866; the whole number of regular suits under trial was 88,986, comprising original suits 79,923, and 9,063 appeals, or more by 3,308 than in 1844; the entire number disposed of amounted to 69,886, that is, 63,097 original suits and 6,789 appeals, which yields an increase of 1023, as compared with the result of the preceding year's operations. Of the 69,886 suits, which were disposed of, 46,896 or 67·10 per cent were decided on trial of the merits, viz. 40,589 original suits, and 6,307 appeals. The arrear at the close of the past year consisted of 19,100 suits, of which 16,826 were original and 2,274 appeals, being larger by 2,275 than that, which the general file at the end of 1844 exhibited, while among the pending suits 19,036 or a proportion of 99·66 per cent were brought on the file within the 12 months under review; this epitome of the work done in the several Local Courts seems to call for no particular remark, save that of the original cases described as decided on trial,* 9,057 were tried exparte and 12,580 decreed on confession of judgment, the two items constituting a proportion of 53·31 per cent on the aggregate of decisions on trial; this peculiarity has attracted the observation and received the attention of the Court, who would refer to the remarks recorded under the head of Goruckpore, as satisfactorily accounting for it.

* *Note*—the 9 original suits decided by the Judges being excluded.

158. The nature of the decisions, passed by the Local Courts, may be judged from the marginal table, which shews that, out of 40,589 original suits determined on trial, 33,429 or a proportion of 82·35 per cent went in favor of the plaintiff: the decisions of each judicial grade are exhibited in the margin. The number of appeals instituted during the year (6,723) bear a proportion of 10·65 per cent to the original suits (63,097)

	For Plaintiff.		*For Defendant.*	*Total.*
Judges... ..	7	..	2	9
P. S. Ameens,	1681	..	667	2348
S. Ameens,..	2951	..	810	3761
Moonsiffs, ..	28790	..	5681	34471
	33429	..	7160	40589

disposed of, and of 16·56 per cent to those decided on trial (40589), while of the appeals, adjudicated on their merits, (6,307), 4,020 or a proportion of 63·73 per cent ended in the confirmation of the judgment, pronounced by the Court of first instance, results, which nearly correspond with those exhibited in the Court's report for 1844.

Statement No. II.—159. As compared with the year preceding, a further decrease is apparent in the number of suits depending before the Local Courts and the Sudder Dewanny Adawlut, of longer standing than the twelve months reported on, the number of such cases having been 189 in 1843, 127 in 1844, and 73 in 1845: the diminution in this Court amounts to 6 as shewn marginally, while that in the Zillah Courts amounts to 58, which is not otherwise than satisfactory. The prolongation of a case beyond the period of a year except it have been remanded or its progress stayed by reference to other Courts, or unforeseen circumstances have occurred, is now a rare occurrence, and the Court would fain hope that the administration is not the less popular, or the scales of justice less nicely balanced, because delay in the preparation and adjudication of cases is discouraged, or because, as Statement No. III. goes to shew, no delay whatever occurs.

	1842	1843	1844	Total
1841	2	13	0	15
1845	0	1	8	9
				6

160. Statements Nos. IV. and V. call for no remark, and the details exhibited in No. VI. have been already noted at the beginning of this section.

Statement No. VII.—161. During the past year only 118 suits were tried with the aid of the Agency which Regulation VI. of 1832 provides, shewing a further falling off, as compared with the last 3 or 4 years,* which can be explained only by the reluctance of Natives to give their unremunerated time and attention to this duty, by the delay, which their employment not infrequently occasions, and by the restriction of the Judge's labors to the hearing of Appeals, which touch perhaps as often on points of Law, as on matters of fact; in the former case the association of those uninstructed in the Law could be productive of no benefit, even if the principle of allowing to them the privilege of expressing an opinion in regard to the interpretation or the hearing of the Law were admissible. The Statement shews, that in 10 districts, as noted in the margin,† the Regulation was practically inoperative, while in six‡ others recourse was had to it in the trial of only two or three cases; the result is far from encouraging to those, who are disposed to look favorably on the system, which it is the object of the enactment to introduce, nor after the experience of 14 years can the Court indulge the belief that the mode of proceeding, which it authorizes, is popular: it is stated by many Judges, that litigants themselves seldom or never solicit a recourse to it, and it is the opinion of the majority of the Court, as declared under the head of Kumaon, that the people are better pleased to confide in the integrity of a European Judge, and his conscientious desire to decide rightly and equitably, than in the more intimate acquaintance with their habits, feelings and prejudices, which the native judicial Officers may be supposed to possess. It remains for the Government to determine, whether, under the circumstances set forth in this and former reports, the only step, which is likely to further the more general introduction of the system, should be taken, viz. whether by an act of the Legislature, service in the capacity of Jurors and Assessors in civil actions or criminal trials or both, should be declared compulsory on certain classes of the community. As noted in a former part of this report, 42 suits were

* 1841 198
1842 289
1843 165
1844 111

† Delhie, Seharunpore, Meerut, Allygurh, Moradabad, Agra, Bundelkund, Gorruckpore, Jounpore, Mirzapore.

‡ Bareilly, Mynpooree, Cawnpore, Azimgurh, Benares, Ghazeepore.

tried with a Punchayet, and 11 with the aid of Assessors in Kumaon, and in the Simla Courts the latter description of agency was used in the trial of 7 cases.

Unexecuted Decrees.

Statement No. VIII.—162. This statement calls for no particular remark: the pending cases of this description in the several Zillahs (Kumaon and Simla excluded) were at the end of 1844, 10,566 in number, and 10,511 at the close of 1845, giving a reduction of 55 in favor of the year under report; Statement No. XIII. shews, that there were altogether 59,770 applications for execution of decree presented during the year, and that of this number 47,602 were disposed of, 17,384 by full enforcement of the decree, 60,062, by partial settlement of the adjudicated claim, and 20,156, or a proportion of 42,34, per cent were struck off owing to the failure of the decree-holder to proceed in the matter. The Court have persevered in their endeavors to maintain unabated the executive efficiency of the Lower Courts, and they do not regard the large proportion of futile applications as any proof of failure; on the contrary, the Courts are entirely dependent on the pleasure of the decreeholder, and on his co-operation, and cannot be blamed, any more than the rules, which regulate their proceedings, can be condemned, because those, who are chiefly interested in the matter, relinquish all means to realize their adjudged dues, urged to that course by considerations of expediency, or the entreaties or the insolvency of their debtors, or private feelings or any other cause. It is anticipated that the rules framed by the Court under the provisions of Section 11, Act IV. of 1846, and submitted for the approval of the Supreme Government with my letter No. 501, dated 2nd April last, will tend greatly to systematize and facilitate the execution of decretal orders, and it is hoped that no long time may elapse, before their practical introduction shall be authorized.

Statement No. IX.—163. It may not be uninteresting to note that, of the 64,743 original suits, instituted within the year under report in the Local Courts (exclusive of the Kumaon and Subathoo Courts) 13,142, were brought for the possession of land or real property, or the recovery of rents of land, or to contest sales by the revenue authorities, while the remaining 51,601, related to debts on bond, damages, wages, personal property, and other matters of that description, the large proportion of the latter shewing the generally simple nature of the questions, which are brought before the Courts of this country for adjudication.

Statement No. XI.—164. This statement exhibits the issue, with which appeals from the decisions of Officers holding judicial appointments at the end of 1845, were adjudicated by the Court of Sudder Dewanny Adawlut. Eighteen, dismissed on default or adjusted, being excluded from the calculation, it appears, that, of 169 appeals tried and decided on their merits, the original judgment was upheld in 49, modified in 19, and reversed in 32, while the remaining 69, were ordered back for re-trial or re-investigation, the remands, modifications and reversals having amounted to 71·00, per cent on the number that went to decision,—whereas the proportion in 1844, was 72·19, per cent, or less favorable than that just noticed. The subjoined note shews, that suits were remanded in smaller proportion during the past year than in 1844.

In 1843, 44 were remanded out of 143 tried, or 30·76 per cent.
In 1844, 103 were remanded out of 205 tried, or 50·24 per cent.
In 1845, 69 were remanded out of 169 tried, or 40·82 per cent

165. The Court know not, that the comparative statement of the number of suits remanded by the Zillah Judges and (with their concurrence) by the Principal Sudder Ameens, trying appeals, needs illustration: the variations, excepting in the districts of Meerut, Bareilly, Futtehpore, Bundelkund, Goruckpore, Azimgurh and Ghazeepore, are not remarkable, and in them the Court have generally found the reasons stated in the monthly report, prescribed by Circular Order, dated 16th April 1841, sufficient to justify the order: such instances of misconception or misapplication of the law, as attracted the notice of the Court on the reviewal of those reports, were pointed out for future avoidance.

ZILLAHS.	1843.			1844.			1845.		
	By the Judge.	By the Principal Sudder Ameen.	Total.	By the Judge.	By the Principal Sudder Ameen.	Total.	By the Judge.	By the Principal Sudder Ameen.	Total.
Delhie,	14	3	17	33	3	36	25	3	28
Seharunpore,	9	0	9	36	0	36	21	0	21
Meerut,	30	6	36	19	4	23	8	2	10
Allygurh,	33	10	43	26	1	27	23	2	25
Moradabad,	8	6	14	4	2	6	1	15	16
Bareilly,	40	4	44	40	1	41	8	6	14
Agra,	2	0	2	4	0	4	6	0	6
Furruckabad,	16	0	16	12	1	13	4	0	4
Mynpooree,	15	7	22	14	2	16	7	2	9
Cawnpore,	24	0	24	20	4	24	37	0	37
Futtehpore,	6	0	6	11	0	11	21	0	21
Bundelkund,	14	4	18	25	6	31	15	0	15
Allahabad,	37	0	37	14	0	14	25	2	27
Goruckpore,	17	4	21	18	2	20	7	6	13
Azimgurh,	33	0	33	17	14	31	16	2	18
Jaunpore,	26	6	32	10	6	16	7	9	16
Mirzapore,	27	0	27	16	0	16	9	0	9
Benares,	35	4	39	27	3	30	50	1	51
Ghazeepore,	18	0	8	8	2	10	52	0	52
Kumaon,	27	0	27	50	3	53	35	8	43
Subathoo,	5	0	5	3	0	3	16	0	16
	623	77	700	407	54	161	393	58	451

In Kumaon for "Judge" substitute "Commissioner" for "Principal Sudder Ameen," ditto, "Senior and Junior Assistants."

* Statement No. XII.—166. In the margin is given an Abstract of this Statement, in which an omission, that inadvertently occurred in the returns for the two preceding years, has been supplied: it exhibits the whole number of appealable cases determined during the past year by the several grades of Judicial Officers, European and Native, collectively, and the proportionof the decisions, that were appealed and in appeal upheld: without commenting on the results, which differ but little from those, represented in the report for 1844, it may be noted that the small proportion of appeals from the orders of the European Judges is probably in a great measure caused by the comparative remoteness of the appellate Court, and the greater difficulty and expense, which an appeal to the Sudder Dewanny Adawlut involves: it may be reasonable to presume, that these Officers, by reason of their greater educational advantages, and their superior acquaintance with the spirit of Anglo-Indian Legislation, will ordinarily decide more correctly, than the native judicial functionaries, but it may be questioned whether, if the facilities of appealing were equal in both cases, their judgment would not be more frequently called in question; the issue of the 103 appeals from their decisions would seem to shew that the parties, generally speaking, had fair grounds for seeking a revision of the order, by which they deemed themselves aggrieved.

* For Statement No. XII. see the following Page.

Officers.	Description of Cases.	Number Appealable.				Proportion.			Number pending at the end of 1844.		Number appealed during the year 1845.		Total number under trial during the year 1845.		Number confirmed.				Number modified or Reversed.				Total decided during the year.		Proportion of confirmations to number tried?
		Original Suits and first Appeals.				First and Second Appeals.																			
		Cases decided on full trial.	Cases decided Ex parte.	Cases decided on confession of judgment.	Total.	Of Column 9 to Column 1.	Of Column 9 to Column 1 + 2.	Of Column 9 to Column 1 + 2 + 3.	Before Sudder Dewanny Adawlut.	Before Zillah authorities.	To Sudder Dewanny Adawlut.	To Zillah authorities.	Before Sudder Dewanny Adawlut.	Before Zillah authorities.	By Sudder Dewanny Adawlut.		By Principal Sudder Ameen.		By Judge.		By Sudder Dewanny Adawlut.		By Principal Sudder Ameen.		By Judge.	
		1	2	3	4	5	6	7	8		9		10		11				12				13		14
									R. S.		P. S.		R. S.		R.	S.			R.	S.			R.	S.	
99 Moonsiffs,	Original Suits,	1546	7910	11570	31947	36·15	23·92	16·	0	0	0	0	7324	0	1770	1609	3379	0	0	860	1002	1862	0	0	5241	64 · 47
17 Sudder Ameens,	Ditto.....	257	1046	914	4531	33·21	23·61	18·84	0	0	0	0	1215	0	237	255	492	0	0	171	113	284	0	0	776	63 · 40
25 P. S. Ameens,	Origl. Suits & Appeals,	487	522	329	5727	26·78	24·19	22·8	82	12	95	36	1645	28	683	0	683	49	36	333	0	333	77	42	1016	67 · 22
21 Judges,	Origl. Suits & Appeals,	4147	0	0	4147	2·15	2·12	2·12	435	0	3	85	0	7	120	0	0	0	71	0	0	0	5	98	0	27 · 18
	Total,.....	27070	9479	12813	19362	28·90	21·45	15·88	8647	2561	98	121	10182	29	3690	1864	5554	53	107	1364	1115	2479	82	140	7033	64 · 75

Statements Nos. XVI. and XVII —167. Exhibit in sufficient detail the miscellaneous business dispatched in the Local Courts and the Sudder Dewanny Adawlut, and do not require comment.

168. With advertence to the orders of Government, No. 1507, dated 6th May 1840, I am desired to announce, that the only new appointment, made in the past year, to the Office of Principal Sudder Ameen, was that of Mr. J. P. Ledlie, Assistant Register of this Court, to be Principal Sudder Ameen, of Bareilly,(No. 276, dated 21st January 1845).

169. Agreeably to the orders of the Hon'ble the Court of Directors, as conveyed in their dispatch, dated 14th December 1842, a statement, made up to the 1st June instant, of the amount recovered and that still due, in the matter of costs incurred by them in the prosecution of appeals to the Queen in Council on account the Sudder Dewanny Adawlut, North Western Provinces, is herewith submitted in Appendix (C).—Act II. of 1844, imposed upon appellants the expense of providing for the translation of the proceedings and judgments required for transmission to England, and during the past year, an Act of Parliament (8 and 9 Vic: R. Chapter 30) has relieved the Hon'ble the Court from bringing appeals to a hearing, so that these items of charge must shortly cease altogether.

170. The efficiency of the Moonsiffs' Courts has been promoted very considerably by the passing of Act XIV. of 1845, which authorizes them to entertain Nazirs on their establishments, and by Act XVII. which extends to them the powers, heretofore exercised by Zillah Judges, for enforcing the attendance of persons, upon whom summons to appear as witnesses may have been duly served; Act XVI. which provides for the re-admission of appeals after dismissal on default under Act XXIX. of 1841, has been but infrequently acted on, and the Court are unable to form any definitive opinion as to the degree and the manner, in which it operates to prevent the injustice, possibly resulting from the extreme strictness of the default law. The Courts are now engaged in framing rules for the examination of candidates for the office of Pleader agreeably to Act I. of 1846, and trust, that when promulgated, they may have the effect of improving the qualifications, and raising the character of that body, to whose inefficiency and want of respectability much of the discredit, attaching to our Courts, may be traced.

171. I am desired to add, with reference to the 184th paragraph of the last report, that a set of Register Books for the use of the Moonsiffs' Courts generally has been devised, and that it will be shortly circulated,* with such instructions for the guidance of the subordinate Officers, as appear requisite.

* My Docket No. 947, dated 6th June 1846, and *Government Gazette*, dated 21st July 1846.

I have the honor to be,

Sir,

Your most obedient Servant,

G. F. EDMONSTONE,

Register.

Agra, the 6th June 1846.

Index

TO THE

CIVIL REPORT FOR 1845.

Para. 1. Submits reports and statements of Civil business, disposed of and pending in the Courts of the North Western Provinces, for 1845.

PARAGRAPHS 2 TO 7 INCLUSIVE. ZILLAH DELHIE.

Para. 2. Alludes to state of civil business in this district, as satisfactory, and to strength of judicial agency, as susceptible of reduction.

Para. 3. Details work performed by Judges (C. Lindsay and J. P. Gubbins), and notices non-employment of agency, provided by Regulation VI. of 1832.

Para. 4. Details performances of Principal Sudder Ameen; result of appeals from his judgments, deemed creditable.

Para. 5. Describes work done by Subordinate Courts, and notices large number of adjusted claims; result of appeals not deemed favorable, save in the case of Moonsiff of Noh.

Paras. 6 and 7. Shew cost of subordinate judicial establishments, and amount gained by sale of stampt paper; refer to Draft Act for better administration of Bhuttee Territory, and to the Judge's records.

PARAGRAPHS 8 TO 14 INCLUSIVE. ZILLAH SEHARUNPORE.

Para. 8. Result of operations in this district deemed satisfactory, difficulty in serving process under Act XXIII. of 1840, again adverted to.

Para. 9. Notices performances of Judges, (W. H. Benson, and G. F. Harvey), and ascribes deficiency of former Officer's work to ill health.

Para. 10. Describes the business disposed of by the Principal Sudder Ameen of Seharunpore and Superintendent of Dehra Doon; the judicial agency of latter district considered sufficient. States how Court disposed of a question regarding the competency of Dehra Doon Civil Court to try cases cognizable by Military Courts of Requests.

Para. 11. States how five appeals, from Principal Sudder Ameen of Seharunpore's Court, terminated.

Paras. 12 and 13. Describe work despatched by the Moonsiffs, among whom Ameerrooddeen, Moonsiff of Shamlee, ranks highest, express doubt as to the adequacy of the

judicial establishment of Scharunpore District with reference to the income of business, and shew result of appeals from the Lower Courts, heard by Judge.

Para. 14. Subjoins a statement of the amount realized by sale of stamps, which largely exceeds cost of maintenance of inferior Courts; alludes to state of records and to certain irregularities, which prevailed in the District, but since corrected.

PARAGRAPHS 15 TO 22 INCLUSIVE. ZILLAH MEERUT.

Para. 15. After adverting to the obstacles experienced by the Civil Court of this district, expresses satisfaction with administration, and commends the control exercised over the Lower Courts by Mr. A. W. Begbie.

Para. 16. States that work of Judge, (A. W. Begbie) is not unfavorable, considering the imposition on him of Special Commissioner's duties, and that had appointment of Additional Sessions Judge not been made in time, arrear would have resulted.

Paras. 17 and 18. Detail work done, regular and miscellaneous, in Principal Sudder Ameen's Court, noticing also change of incumbency in the office. State how the appeals from Judge's and Principal Sudder Ameen's Courts terminated in Sudder Dewanny Adawlut.

Para. 19. Represents business disposed of in Sudder Ameen's Court, and eulogizes Baboo Shama Churn Banorjea for good judgment, displayed in the performance of his judicial functions.

Para. 20. Refers to recent revision of subordinate civil jurisdictions, and to changes in Office of Moonsiffs, as having interrupted the transaction of business; shews work despatched by the several Moonsiffs.

Para. 21. Exhibits result of appeals from Moonsiffs' Courts, commends performance of Mahomed Buksh, Moonsiff of Debhae, and expresses regret at that of Mr. V. Berkeley. Alludes to dismissal of two Moonsiffs for notorious disrepute.

Para. 22. Shews cost of judicial establishments of this district, and amount realized by sale of stamps.

PARAGRAPHS 23 TO 30 INCLUSIVE. ZILLAH ALLYGURH.

Para. 23. State of civil business compared with that of year preceding, and results deemed creditable to the Officers concerned.

Paras. 24 and 25. Notice work of Judge (M. J. Tierney), and of Principal Sudder Ameen, regular and miscellaneous, and result of appeals tried from their decisions.

Para. 26. Regards performances of the Sudder Ameen, whose appointment to this District has tended to relieve the Principal Sudder Ameen, necessity of maintaining the office in question will be known on transfer to Agra Court of Ryah and Juleysur Moonsiffees being effected.

Paras. 27 and 28. Describe amount of business transacted by the Moonsiffs, and mode, in which appeals from their judgments were decided, commend Mooftee Inayut Ahmed.

Para. 29. States that revenue realized from sale of stamps is more than the Moonsiffs Courts cost, and that the excess ought to be applied towards their amelioration.

Para. 30. Remarks on Mr. Terney's opinion on the superiority of the declaration, prescribed by Act V. of 1840, over the former superstitious custom of swearing witnesses on the Koran and Ganges water.

PARAGRAPHS 31 TO 38 INCLUSIVE. ZILLAH MORADABAD.

Paras. 31 and 32. Condemn meagreness of report of Judge [C. Macsween], deem his supervision far from praiseworthy, and his performances very unsatisfactory.

Paras. 33 and 34. Notice work done in Court of Principal Sudder Ameen, and result of appeals tried from his and Judge's decisions.

Paras. 35 and 36. Describe the amount of business disposed of in the Bijnore and Sudder Ameen's Courts, as well as those of the several Moonsiffs, inability of the Court to form any opinion of the merits or demerits of the decisions of the Officers concerned attributed to silence of the Judge on the subject.

Para. 37. Alludes to recent adjustment of Moonsiffs' jurisdictions, and subjoins statement of cost of inferior judicial establishments and revenue gained by sale of stamps.

Para. 38. Refers to state of records, and to criminal prosecution of certain Officers of Judge's Court for abstracting stamped papers.

PARAGRAPHS 39 TO 49 INCLUSIVE. ZILLAH BAREILLY.

Para. 39. Describes result of civil operations of this district, as satisfactory, considering the strength of the inferior judicial agency, the changes in Judge's office, and employment of Mr. Thomas in conducting certain enquiries.

Para. 40. After adverting to distribution of civil and criminal work between Messrs. Thomas and Lean, notices performances of Judge and urges the necessity of permanently appointing an Additional Judge at Bareilly.

Paras. 41 and 42. Describe business transacted in Principal Sudder Ameen's Court, and state that Mr Ledlie's time was too much occupied by the Magisterial Authorities. Statement of result of appeals, heard by Sudder Dewanny Adawlut, not deemed necessary.

Paras. 43 and 44. Detail performances of the Sudder Ameens of Bareilly and Pillibheet and of the several Moonsiffs, and mode in which appeals from their judgments were decided.

Para. 45. Gives a statement of the cost of the inferior judicial agency, and states that the surplus revenue realized from the sale of stamps ought to be appropriated towards improving those Courts.

Paras. 46 and 47. Advert to general points noticed by Judge, viz. ill paid office of Moonsiffs, thereby excluding from it a superior class of men; and inferior qualifications of Pleaders, which evil, the Court hope soon to remedy.

Paras. 48 and 49. Refer to the operation of Act. V. of 1840, which has tended to increase perjury and mendacity, and the inadequate salary of Judge's clerk.

PARAGRAPHS 50 TO 56 INCLUSIVE. ZILLAH AGRA.

Para. 50. Describes civil business of district as on the decrease, but states that no satisfactory reason is assigned for the paucity of decisions.

Paras. 51 and 52. Notice work of Judge (J. S. Boldero), and of Principal Sudder Ameen, regular and miscellaneous, and result of appeals tried from their decisions.

Paras. 53 and 54. Detail work done by Sudder Ameen and Moonsiffs, with mode, in which appeals from their orders were decided; notice suspension of one Moonsiff for irregularities, since restored.

Para. 55. Subjoins statement of cost of Moonsiffee establishments, and amount realized from sale of stamps.

Para. 56. Shews by Appendix B. the decision of Court in a case of farming lease, in which Civil Courts are declared incompetent to interfere.

PARAGRAPHS 57 TO 63 INCLUSIVE. ZILLAH FURRUCKABAD.

Para. 57. Expresses satisfaction with mode, in which increase of civil business was met in past year.

Para. 58. Represents work done in Court of Judge (W. H. Tyler), limited use of juries in civil suits, and result of 2 appeals from his decisions.

Para. 59. Notices work of Principal Sudder Ameen, and result of appeals from his orders, and states that Mr. Mercer by his zeal and industry during the past year, has removed the stain cast on his official reputation.

Para. 60. Details work of Moonsiffs, and result of appeals from their decisions.

Para. 61. Shews cost of maintaining Moonsiffs' Courts and revenue realized from sale of stamps.

Paras. 62 and 63. Refer to a question of a general nature touched on by Judge, viz. difficulty of decree-holders to get possession of the property awarded them, which has led to issue of a Circular Order. Express satisfaction with civil administration of the district.

PARAGRAPHS 64 TO 69 INCLUSIVE. ZILLAH MYNPOOREE.

Para. 64. State of civil business compared with that of a year preceding, and results deemed creditable.

Paras. 65 and 66. Represent civil business in Court of Judge and Principal Sudder Ameen as light, and detail work done, regular and miscellaneous, by both Officers.

Para. 67. States result of a special appeal from Judge's decision.

Para. 68. Remarks on performances of the Moonsiffs, and on result of the appeals tried from their Courts.

Para. 69. States that the sum realized by sale of stamps in the Moonsiffs' Court's is less than the cost of their maintenance.

PARAGRAPHS 70 TO 78 INCLUSIVE. ZILLAH CAWNPORE.

Para. 70. States that increase of arrear on general file is not ascribable to remissness of Officers concerned, and adverts to remarks of Judge regarding cases, older than a year.

Para. 71. Shews performances of Judge (A. Spiers), and notices his opinion in regard to employment of Punchayets.

Para. 72. Describes business transacted in Principal Sudder Ameen's Court, and mode, in which appeals from it were decided by Judge and Sudder Dewanny Adawlut.

Para. 73. Shews how the appeals, heard by Sudder Dewanny Adawlut, from Judge's and Principal Sudder Ameen's decisions, terminated.

Para. 74. Sudder Ameen's work considered to shew improvement, the result of appeals from his orders, and his request to be transferred to the Lower Provinces, noticed.

Para. 75. Alludes to work done by Moonsiffs, and shows how appeals from their orders were decided.

Para. 76. Shows cost of Moonsiffs' establishments and amount realized from sale of stamps.

Paras. 77 and 78. Refer to general points noticed by Judge, viz. undefined state of the law respecting property within Cantonments, hardship incidental to alienation of property in execution of a decree, subsequently reversed in appeal, and inefficiency of Judge's English office.

PARAGRAPHS 79 TO 85 INCLUSIVE. ZILLAH FUTTEHPORE.

Para. 79. After alluding to certain correspondence, regarding abolition of this Judgeship, states that civil business of the district, has increased, owing to late Moonsiff of Hutgaon, encouraging Zumeendars to bring regular suits for recovery of land rents.

Para. 80. Notices work of Judge (H. Lushington), and of Principal Sudder Ameen, regular and miscellaneous.

Paras. 81 and 82. Refer to Mr. Lushington's opinion in operation of Regulation VI. of 1832, and state how appeals from decisions of Judge and Principal Sudder Ameen terminated.

Paras. 83 and 84. After adverting to changes of incumbency in Moonsiffs' Courts, describe performances of the Moonsiffs, and mode in which appeals from their judgments were decided. State cost of the three Moonsiffs' Courts, and amount realized from sale of stamps.

Para. 85. Regards sale of unrecorded rights and interests in land in satisfaction of decrees of Court, and commends the control exercised over the lower Courts by Mr. Lushington.

PARAGRAPHS 86 TO 91 INCLUSIVE. ZILLAH BUNDELKUND.

Para. 86. Notices want of information from this district regarding administration of past year, and attributes paucity of work to prolonged vacation of one of the Moonsiffs' Courts.

Paras. 87 and 88. Remark on work done by Judge and Principal Sudder Ameen, and on mode, in which appeals from their judgments were decided. Regulation VI. 1832, stated to be inoperative in the district.

Para. 89. Describes performances of the three Moonsiffs, and result of appeals tried from their orders, and notices other points connected with their Courts.

Paras. 90 and 91. Subjoin statement of cost of inferior Judicial Courts, and revenue obtained by sale of stamps, and allude to state of Judge's record department.

PARAGRAPHS 92 TO 99 INCLUSIVE. ZILLAH ALLAHABAD.

Para. 92. Notices favorable state of business in this district, ascribed to good superintendence of Judge (A. Lang), and activity of the subordinate Court.

Paras. 93 and 94. State performances of Judge, and result of appeals from his orders, decided by Court.

Para. 95. Notices number of cases decided by the Principal Sudder Ameen, result of appeals deemed satisfactory.

Para. 96. Adverts to regular and miscellaneous work, performed by Moonsiffs, and mode of decision of appeals from their orders.

Paras. 97 and 98. Allude to revision of jurisdiction of the Moonsiffs' Courts, and shew cost of their maintenance and amount gained by sale of stamps.

Para. 99. Refers to certain questions of a general nature, viz. inspectional tours by the Zillah Judges, and distribution of assets among several decree-holders.

PARAGRAPHS 100 TO 108 INCLUSIVE. ZILLAH GORUCKPORE.

Para. 100. After alluding to reduction in judicial establishment of this district, refers to satisfactory state of civil business, and gives credit to the officers concerned for their exertions.

Para. 101. States work done by Judge (E. A. Reade), great increase of sessions and criminal duties, reference of a point to Calcutta Court regarding the legality of a Civil Judge trying cases, on which he had in another capacity pronounced judgment, and that number of applications under Section 8, Regulation XVII. of 1806, has been reduced.

Paras. 102 and 103. Remark on work done by two Principal Sudder Ameens, commend Ahmud Hussun Khan, mention demise of Gholam Mahomed Moostuffa, and state that no appeals from their orders were decided by Sudder Dewanny Adawlut.

Para. 104. Notices work performed by Sudder Ameen, and result of appeals from his Court, with comments thereon.

Paras. 105 and 106. After alluding to nominal employment of the Moonsiffs of this district in trying petty criminal cases, describe civil business done by them, and the mode of decision of appeals from their orders.

Para. 107. Shews cost of the Moonsiff's Court, and revenue obtained from sale of stamps.

Para. 108. States that the general questions touched on by Judge have already been disposed of, and that the proposals for establishing offices in the Mofussil for registry of deeds will be hereafter attended to.

PARAGRAPHS 109 TO 116 INCLUSIVE. ZILLAH AZIMGURH.

Para. 109. Expresses satisfaction with civil administration of this district, and eulogizes the local Officers for effecting, favorable results notwithstanding many disadvantages.

Paras. 110 and 111. Describe work performed in Judge's and Principal Sudder Ameen's Courts, and advert to result of appeals, cite also Mr. Armstrong's opinion regarding juries in civil cases.

Paras. 112 and 113. Recite work of Sudder Ameen and Moonsiffs, and result of appeals decided from their Courts, allude also to appointment of an Additional Moonsiff at Mohomedabad Ghona.

Paras. 114 and 115. Shew cost of subordinate Judicial Courts and amount realized from sale of stamps; state that Judge's records are in good order.

Para. 116. Regards value of the stamped paper to be used for engrossing petitions of summary appeal.

PARAGRAPHS 117 TO 123 INCLUSIVE. ZILLAH JOUNPORE.

Paras. 117 and 118. After noticing state of business to be favorable and creditable to Officers concerned, detail performances in various departments of Judge's Court (R. J. Tayler), and allude to rejection by Government of nomination of Serishtedar of the Civil Court to a Sudder Ameenship, with general remarks on the point.

Para. 119. Mentions work done by Principal Sudder Ameen, and result of appeals from his orders, heard by Judge of Zillah and by Sudder Dewanny Adawlut.

Para. 120. States how five special appeals from the Judge's Court terminated.

Para. 121. Describes business done by Moonsiffs, and mode, in which the appeals tried from their decisions were disposed of.

Para. 122. Shews amount realized by sale of stamps in the Moonsiffs' Courts, and cost of their maintenance.

Para. 123. Commends Mr. R. J. Tayler for his efficient supervision, and the subordinate Judicial Officers for their exertions in the administration of the district.

PARAGRAPHS 124 TO 130 INCLUSIVE. ZILLAH MIRZAPORE.

Para. 124. States that general aspect of business in this district is satisfactory.

Paras. 125 and 126. Represent work performed by Judge (A. P. Currie), together with result of appeals heard from his Court.

Para. 127. Describes work disposed of by Principal Sudder Ameen, and mode, in which appeals from his orders were decided by Zillah Judge and Sudder Court.

Para. 128. Notices Moonsiffs' regular and miscellaneous work, and result of appeals from their orders.

Para. 129. Subjoins statement of cost of inferior Judicial Courts and amount realized by sale of stamps; adverts to probability of increase of business in Chunar Moonsiffee being progressive.

Para. 130. States that records of this Judgeship are now in good order, for which praise is due to Mr. A. P. Currie.

Paragraphs 131 to 136 inclusive. ZILLAH BENARES.

Para. 131. State of civil business compared with that of preceding year, and paucity of disposals commented on.

Paras. 132 and 133. Refer to work despatched in Judge's Court, and result of appeals from it. Allude to correction of an erroneous practice of transferring interlocutory and miscellaneous appeals to the Principal Sudder Ameen for decision.

Para. 134. Shews by a tabular statement business performed in the Courts of Principal Sudder Ameen and Additional Principal Sudder Ameen, which tends to confirm the opinion entertained for reduction of one of the offices.

Para. 135. Adverts to recent adjustment of Moonsiffee jurisdictions, notices operations in Moonsiffs' Courts, and the character and qualification of the several Officers of that grade.

Para. 136. Mentions cost of the Moonsiffs' Courts, and amount realized by sale of stamps, alludes to their ill-paid ministerial agency, and to progress made in assortment of the Judge's records.

Paragraphs 137 to 144 inclusive. ZILLAH GHAZEEPORE.

Para. 137. Expresses satisfaction with civil administration of district, and with mode, in which increase of business was met in past year.

Para. 138. Describes work performed by Judge (A. C. Heyland), and in Principal Sudder Ameen's Courts, and adverts to result of appeals from latter, cites also Mr. Heyland's opinion regarding Jurors, and notices the good character which the Principal Sudder Ameen (Mohomed Zuhoor) continues to bear.

Para. 139. Shews advantage, which has resulted from creation of the office of Sudder Ameen in this district.

Paras. 140 and 141. Notice operations of Courts of Moonsiffs, and refer to certain general instructions issued to them by Zillah Judge, which Sudder Court have directed to be withdrawn.

Para. 142. Relates to Circular Order dated 24th June 1842 on the subject of bringing suits for land in co-parcenary estates, and states that Court intend inspecting a few cases.

Paras. 143 and 144. Refer to various general subjects, viz. inadequacy of amount sanctioned for providing Cutcherries for Moonsiffs, discontinuance of issue of Constructions, and intent of Circular Order No. 26, dated 1st January 1846, as affecting the sale of the rights and interests of Kûshtkars in the fields held by them, in satisfaction of decrees.

Paragraphs 145 to 149 inclusive. KUMAON.

Para. 145. Shows civil business done by all the Courts of the districts in tabular form, alludes to question of competency of Commissioner to remove Moonsiffs from place to place, without obtaining sanction to the measure, and expresses hope that introduction of use of stamps will repress the litigious disposition of the hill people.

Para. 146. Describes extent of the use of "Punchayets," and difficulties opposed thereto.

Paras. 147 and 148. Represent quantum of miscellaneous business disposed of, and result of appeals, state also favorable opinion entertained by Commissioner of Mr. Ramsay's qualifications.

Para. 149. States that no further remarks are called for in regard to this district.

PARAGRAPHS 150 TO 153 INCLUSIVE. SIMLA.

Para. 150. Describes work done by Sub-Commissioner (J. C. Erskine), and Assistant (B. Hodgson) in regular and miscellaneous departments, with remarks, laudatory of latter's diligence.

Para. 151. States cause of speedy despatch of business in this jurisdiction.

Para. 152. The mode, in which appeals from Mr. Hodgson's decisions ended, not considered very satisfactory.

Para. 153. Refers to correspondence touching transfer of appellate jurisdiction to Sudder Dewanny Adawlut in respect of appeals from Sub-Commisssioner's decisions, but states that, hitherto, the arrangement has been practically inoperative.

PARAGRAPHS 154 TO 171 INCLUSIVE. SUDDER DEWANNY ADAWLUT.

Para. 154. Recites operations of Sudder Dewanny Adawlut during 1845, and states that its members were present throughout the year.

Paras. 155 and 156. Detail state of business, pending and disposed of by Court, number of appeals older than a year left undecided, and mode in which the appeals brought to completion were disposed of: also amount value of property involved therein, and in cases before the local Courts.

Paras. 157 and 158. Give numerical abstract of operations before local Courts, excluding Kumaon and Simla, with notice of character of decisions of those tribunals, in reference to result of appeals from them.

Para. 159. Remarks reduction, comparatively with year preceding, in the number of long standing suits before the whole of the Courts.

Para. 160. States that statements No. IV. and V. call for no remark, and that the details of statements No. VI. have been already noted.

Para. 161. Comments on extent, to which use was made by Judges in 1845 (less than in former years), of the agency provided by Regulation VI. 1832, with remarks on cause of diminution.

Para. 162. With advertence to Statement No. VIII. treats of the department of executing decrees, and operations of the year therein.

Para. 163. Refers to Statement Nos. IX. describing the nature of the original suits instituted in the local Courts.

Paras. 164 and 165. Relate to result of appeals, decided by Sudder Dewanny Adawlut, from local Courts, and to diminution of number of cases returned for re-trial by Court.

Para. 166. Refers to Statement No. XII. exhibiting the number of appealable causes, determined by the several grades of Judicial Officers, which were carried up in appeal to the superior Courts, and how they were disposed of.

Para. 167. States that Statements Nos. XVI. and XVII., regarding the miscellaneous department, require no comment.

Para. 168. Reports only the appointment of Mr. J. P. Ledlie to office of Principal Sudder Ameen, during the year 1845.

Para. 169. Submits a Statement, shewing the amount of costs in cases appealed to Queen in Council recovered and that still due.

Para. 170. States that Acts XIV. and XVII. of 1845 have proved advantageous to the efficiency of the Moonsiffs' Courts, and that the Court are unable to form any opinion of Act XVI. owing to its not being often acted upon: intimates that Court are framing rules for examination of candidates for office of Pleader.

Para. 171. Concludes Report with intimation that a set of Register Books for the use of the Moonsiffs' Courts will soon be issued.

G. F. EDMONSTONE,
Register.

List of Original Enclosures.

No.	1,	Letter from the	Offg.	Judge	of	Delhie,	...	...	...	No.	19,	dated 28th	Feby., 1846.
No.	2,	ditto	„	„	ditto	of	Scharunpoor,	...	...	No.	11,	dated 9th	March, 1846.
No.	3,	ditto	„	„	Judge	of	Meerut,	...	...	No.	59,	dated 28th	March, 1846.
No.	4,	ditto	„	„	ditto	of	Allygurh,	...	...	No.	8,	dated 11th	May, 1846.
No.	5,	ditto	„	„	ditto	of	Moradabad,	...	...	No.	14,	dated 31st	March, 1846.
No.	6,	ditto	„	„	ditto	of	Bareilly,	...	...	No.	20,	dated 31st	March, 1846.
No.	7,	ditto	„	„	ditto	of	Agra,	...	...	No.	57,	dated 23rd	April, 1846.
No.	8,	ditto	„	„	ditto	of	Furruckabad,	...	...	No.	54,	dated 1st	April, 1846.
No.	9,	ditto	„	„	ditto	of	Mynpoorie,	...	...	No.	63,	dated 12th	June, 1846.
No.	10,	ditto	„	„	ditto	of	Cawnpoor,	...	...	No.	105,	dated 23rd	April, 1846.
No.	11,	ditto	„	„	ditto	of	Futtehpoor,	...	...	No.	10,	dated 28th	Feby., 1846.
No.	12,	ditto	„	„	ditto	of	Bundelkund, & 1 Enclosure,			No.	34,	dated 8th	May, 1846.
No.	13,	ditto	„	„	ditto	of	Allahabad,	...	...	No.	9,	dated 28th	Jany., 1846.
No.	14,	ditto	„	„	ditto	of	Goruckpoor,	...	...	No.	66,	dated 30th	April, 1846.
No.	15,	ditto	„	„	Offg. Judge	of	Azimgurh,	...	...	No.	—,	dated 28th	Jany., 1846.
No.	16,	ditto	„	„	Judge	of	Jounpoor,	...	...	No.	10,	dated 7th	Feby., 1846.
No.	17,	ditto	„	„	ditto	of	Mirzapoor,	...	...	No.	19,	dated 16th	Feby., 1846.
No.	18,	ditto	„	„	ditto	of	Benares, & 1 Enclosure,			No.	45,	dated 4th	March, 1846.
No.	19,	ditto	„	„	ditto	of	Ghazeepoor,	...	...	No.	22,	dated 30th	Jany, 1846.
No.	20,	ditto	„	„	Commsr.	of	Kumaon, & 2 Enclosures,			No.	20,	dated 27th	March, 1846.
No.	21,	ditto	„	„	Judge	of	Simla,	...	...	No.	36,	dated 5th	March 1846.

G. F. EDMONSTONE,

Register.

APPENDIX A.

Extract [*paragraphs* 22 *and* 23] *of a letter addressed by order of the Court to the Secretary to the Government in the North Western Provinces, No.* 156, *dated* 15*th January*, 1814.

Para. 22. It is intended to divide the whole number of Moonsiffs into three classes, in the proportion of 1-10th of the whole to the first class receiving a salary of Rupees 200 per mensem, and of the remainder, ¼ to a second and ¾ to a third class, with a salary respectively of 150 and 100 Rupees per mensem. Considering the extensive powers, which it is proposed to confer on the Moonsiffs, and the great importance of removing every temptation to dishonesty and partiality in discharging their functions, the Court would much prefer, "if the state of the public finances should admit of it," the division of Moonsiffs into two classes, the lowest salary assigned to such Officer being Rupees 150; the Moonsiffs, in their Judicial capacity, are amenable to no power, but the power of the Law, which they are appointed to administer, their decisions in civil suits, though not final, may be productive of great temporary injury to rights and property, the criminal powers now proposed to be conferred on them, may, if they are so disposed, be frequently converted into an instrument of oppression, and therefore it is of the utmost importance, that the respectability and dignity of the office should be maintained at any reasonable cost: why then a salary, inferior to that of Tehseeldars, whose every act is of a vicarious nature, and may be summarily over-ruled by the mere will and opinion of his superior, should be assigned to them, the Court cannot conjecture, unless indeed this anomaly in principle be referrible to the necessities of the state; the relative duties of the two classes of subordinate Officers will not bear comparison. In like manner, the measure of stopping promotion among the Moonsiffs (paragraph 63) until the excess of charge arising from the continuance of superior allowances to Sudder Ameens transferred, be got rid of by lapses among the number of the latter, may be supported by views of expediency and economy, but hardly of justice.

23. The numerical inefficiency of the Moonsiffs' establishments, necessitated by the inadequacy of the allowance hitherto made to them for that purpose, has been frequently a subject of complaint, and has, there is little doubt, interfered very considerably with celerity and punctuality in the performance of the details of their duty: these details will if the views of the Law Commissioner be carried out, be largely increased, by the extension of their authority in the trial of civil suits, and by the imposition of criminal jurisdiction, and the sum* proposed to be allowed for establishment will be found, the Court conceive, insufficient to provide for the additional aid which will be needed; the Court cannot deliberately recommend that a smaller allowance than Rupees 80 should be granted for the establishment of each Moonsiff, and they desire to urge strongly upon Government the necessity of a liberal provision in this respect; Rupees 80 per mensem has been hitherto permitted to be appropriated to this purpose by Sudder Ameens, and there is every reason for making an equally liberal allowance for the establishment of those Officers, to whom, on the introduction of the new arrangement, will be committed powers, and duties, both in the civil and criminal department, equivalent to those hitherto exercised and performed by their predecessors.

* Rupees 50 per mensem.

(True Extract.)

G. F. EDMONSTONE,

Register.

APPENDIX B.

SPECIAL APPEAL.

Full Court.

IMAM BUKSH AND IMAMOOLLAH, SPECIAL APPELLANTS, [DEFENDANTS].

versus,

SYUD FURZUND ALI, CHIRAGH ALI AND HOORMUT ALI, RESPONDENTS, [PLAINTIFFS].

The Respondents sued the two special appellants and a third defendant, named Shadee, for possession with mutation of names in the Collector's Books, of the proprietary right of 9 Biswas 7½ Biswansees in Mouzah Shukurea, under a deed of sale dated 16th Mohurrum 1257 Hijree, executed by the three defendants named above and Azeemoollah, who is proved to be a minor and was not made a defendant. The Sudder Ameen of Moradabad dismisses the case. The Principal Sudder Ameen on appeal decrees in reference to the special appellants alone, making no mention of Shadee, and to this effect that although the names of the two special appellants are not entered in the Revenue Registers as holders of proprietary right in the estate, yet as the settlement was made with them as farmers on the ground of long possession, the plaintiffs may hold such right as may pertain to those two persons, which he accordingly decrees, and he instructs the Collector to insert the names of the respondents, the plaintiff's, in lieu of the two special appellants in such mode and for such right as their names may be registered for.

A special appeal was granted to try whether the Principal Sudder Ameen's decree is not contrary to Law and the practice of the Courts—thus, 1st. Whether as the deed of sale is without specification of the respective rights of each seller in the property sold, a decree can pass under such deed for anything less than the entire property sold, and if circumstances such as occur in this case operate to prevent a decree passing for the whole property sold whether the suit must not be dismissed—2nd. Whether the Principal Sudder Ameen could legally direct the substitution of the plaintiffs for the parties with whom Government in the Revenue Department had made a farming contract.

The case having came on for trial before a full Court, the Court having duly considered the matter before them, are of opinion, with reference to the 1st point requiring determination, that it does not arise in this case, inasmuch as they find that the suit is brought for possession of proprietary right under a deed of sale, but no decree is passed in conformity with this claim, but merely for such sort of right as may be vested in them. In regard to 2nd point, the Court are clearly of opinion that as the special appellants hold present possession of the litigated property in virtue of a contract, vizt. a Lease in Farm, the parties to which contract are Government on the one side and the special appellants on the other, any interference by the Courts to alter the terms of this contract by striking out the names of those parties, with whom Government contracted, and substituting others, with whom the Government did not enter into contract, is illegal and must be inoperative and the Court therefore reverse this part of the Principal Sudder Ameen's decision, and declare that his decree cannot be carried into execution at all. Each party to pay their costs.

(True Copy)

G. F. EDMONSTONE,
Register.

29*th December* 1845.

No. 2.

Abstract Statement shewing the years in which were originally instituted Regular suits and Appeals depending before the Sudder Dewanny Adawlut, the Judges, Principal Sudder Ameens, Sudder Ameens and Moonsiffs in the North Western Provinces, on the 1st of January 1846.

	1838.		1839.		1840.		1841.		1842.		1843.		1844.		1845.		Total.	
Sudder Dewanny Adawlut, N. W. P.	0	0	0	0	0	0	0	0	0	0	0	1	0	8	0	108	0	117
Regulation Provinces.....	0	3	0	2	1	0	2	0	1	0	5	3	35	12	16782	2254	16826	2274
Hill Provinces.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1185	327	1185	327
Total.....	0	3	0	2	1	0	2	0	1	0	5	4	35	20	17967	2689	18011	2718

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 6th June, 1846.

No. 3.

Statement shewing the period which would elapse before the decisions of the Regular Suits depending on the 1st January 1846, if calculated according to the total number disposed of in the several Courts in the North Western Provinces, during the year 1845.

	Depending on the 1st January, 1846.	Disposed of during the year 1845.	Average period which would elapse before the decisions of the number of suits depending in each Court according to the foregoing Statement of the number disposed of in the past year.
Sudder Dewanny Adawlut, ...	117	241	5·825 Months.
Zillah Judges, ...	1677	3990	5·043 Months.
Principal Sudder Ameens, ...	1626	5835	3·343 Months.
Sudder Ameens, ...	1756	6300	3·344 Months.
Moonsiffs, ...	14041	53761	3·134 Months.
Total, ...	19217	70127	3·266 Months.
Kumaon, ...	1511	8021	2·260 Months.
Subathoo, ...	1	823	·014 Months.
Total, ...	20729	78971	3·149 Months.

G. F. EDMONSTONE,

Register.

Sudder Dewanny Adawlut, North Western Provinces, Agra, the 6th June, 1846.

REPORT

OF THE

SUDDER DEWANNY ADAWLUT

NORTH WESTERN PROVINCES

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE

FOR THE YEAR

1846.

AGRA:

PRINTED AT THE SECUNDRA ORPHAN PRESS BY Wm. H. HAYCOCK.

1847.

Report.

No. 934 of 1847.

From G. F. EDMONSTONE, Esquire,

Register Sudder Dewanny Adawlut,

N. W. Provinces.

To JOHN THORNTON, Esquire,

Secretary to the Government,

N. W. Provinces.

Dated Agra, 22nd June, 1847.

S. D. A. N. W. P.

Present:

B. Tayler,—*Judge*,
A. W. Begbie, and
H. Lushington,—
Offg. Judges,
} Esquires.

Sir,

I am desired by the Court of Sudder Dewanny Adawlut to submit the accompanying Reports, according to the annexed list, and statements in illustration of the administration of Civil Justice in the North Western Provinces during the year 1846.

Reports with statements, regarding administration of Civil Justice in 1846.

2. Adverting to the suggestion conveyed in your letter, No. 2003, dated 10th May, 1845, paragraph 20, and to the nature of the subject, the Court consider that the requisite information may be laid before the Government with more brevity than heretofore, and with equal clearness, in a series of tabular statements, which shall give a comparative view of the income and state of business in each district, and shall at the same time exhibit the work performed by each functionary, the proportion of appeals instituted to the decisions of each, and the result of those appeals, with other facts bearing on the administration of Civil Justice. The Court propose to follow this plan on the present and on future occasions, if the Government approve of it; and in pursuance thereof, they desire me to explain that, in the following Report, the operations of the Civil Courts established in the several districts of these provinces will be exhibited in four tables.

With advertence to para. 20, Government letter, No. 2003, dated 10th May, 1845, abridgment of the annual report, by means of a series of tables, is proposed.

Subject to the approval of Government, the abridged form of report is to be continued.

Object and contents of table No. 1 explained;

In the table No. 1, will be entered the number of regular suits, original and appeal, instituted, disposed of, whether by decision on the merits or otherwise, and pending in the year under notice and that which preceded it; and the comparative increase and decrease in the several items of entry will be given under their respective headings. The table

Ditto ditto table No. 2;

No. 2 will shew the regular business instituted, disposed of, and pending at the close of the year under report in each Court, together with the value of property involved in the pending suits, the proportion of suits relating to real property on the one hand, and to debts on bond, bankers' accounts, wages, contracts, and other matters of a personal character on the other, and the result of appeals tried, as well as the proportion of appeals instituted to the number of decisions passed in each Court within the year under report. The table No. 3 will be confined exclusively to the exhibition of miscellaneous business, instituted, disposed of, and pending, separately as regards the Courts of the Judges, Principal Sudder Ameens, and Sudder Ameens, and collectively as regards the Moonsiffs' Courts; the ground of this distinction being, that in the two former much of the miscellaneous business partakes of a judicial character, and requires something more than time for its disposal, while in the latter it consists almost entirely of cases relating to the execution of decrees, and may as well be collectively exhibited as separately. The Sudder Ameen's Court stands alone, and the result of his labors cannot be appropriately aggregated with either of the two preceding classes. It will be observed, that the miscellaneous business of the Judges' and the Principal Sudder Ameens' Courts is in this table divided into two classes, the one under headings 1 to 21, the other under headings 22 to 25 of the monthly and annual statement No. 2; and it may be advisable in this place to explain the nature of the cases which fall under each class. The best and most convenient way of doing this may be to transcribe below* the

Objects and contents of table No. 3 explained, and remarks added, with a view to shew the nature of the "miscellaneous business," and the heaviness with which it presses on the Judges.

No. 1.—Petitions for review of judgment.
No. 2.—Petitions of appeal from orders rejecting or dismissing, on any default, original suits.
No. 3.—Petitions of appeal from interlocutory orders, in regular suits.
No. 4.—Petitions of appeal from orders of the Native Judges in miscellaneous cases referred to them.
No. 5.—Petitions of appeal from orders reversing sales in execution of decrees.
No. 6.—Petitions of appeal from all other orders passed in execution of decrees.
No. 7.—Petitions of appeal from orders imposing fines on any account.
No. 8.—Petitions for the readmission of appeals, after dismissal on default.
No. 9.—Petitions for appointment of Curators to property of deceased persons.
No. 10.—Applications for certificates for the collection of debts on successions.
No. 11.—Petitions for the nomination of an administrator or guardian.
No. 12.—Petitions from paupers regarding probable grounds of action and probable grounds of appeal.
No. 13.—Petitions from paupers on the point of pauperism.
No. 14.—Petitions from insolvents.
No. 15.—Petitions for the redemption and foreclosing of mortgages.
No. 16.—Applications for the execution of decrees.
No. 17.—Petitions from parties praying for reversal of sales or objecting to orders passed in the execution of decrees.
No. 18.—Cases of resistance of process, whether in execution of decrees or otherwise.
No. 19.—Applications for the execution of awards of arbitrators.
No. 20.—Precepts and proceedings from the Sudder Dewanny Adawlut.
No. 21.—Precepts and proceedings from the Special Commissioners.
No. 22.—Proceedings received from other districts from Collectors, Magistrates, and all other European functionaries.

entries under each heading of the statement, and to add, that the cases represented in headings 2 to 7 and 9 to 12, cannot be referred to the Principal Sudder Ameens for investigation, report or decision, under the provisions of Act XXV. of 1837, which placed the aid of those functionaries at the disposal of the Zillah Judges in disposing of miscellaneous business. That provision of the Act in question, which declares their decisions in such cases to be appealable, primarily to the Judge, and specially to the Sudder Dewanny Adawlut, excludes from their cognizance all cases, which are in the nature of an appeal from the orders of the lower Courts; otherwise, either the legal anomaly of a fourth appeal would be superinduced, or the jurisdiction of the Sudder Dewanny Adawlut would be barred; and the few cases that do not partake of that nature, are either expressly declared by the law, or have been construed by the Courts of Sudder Dewanny Adawlut, to appertain exclusively to the province of the Zillah Judge. The necessary consequence of these restrictions is, that the miscellaneous business of the Courts forms a considerable and important part of the Judge's exclusive duties—considerable by reason of its quantity, and important owing to the nature of the matters which are thus brought under his cognizance, and which, many of them, must be promptly disposed of, if regard be had to the efficiency of the lower Courts in their executive capacity. This revised form of the monthly statement No. 2, came into use with the commencement of the past year, and the object of its revision was to accommodate it to the altered state of the law in many respects, since the original forms of monthly reports were first devised, and to secure the exhibition of the miscellaneous work, disposed of in the Courts of the Judge and Principal Sudder Ameen, more fully and specifically than in previous years. This object has been in some measure accomplished; but there are still included in the four last headings of the statement some matters, which are not purely miscellaneous in their character, and which are not disposed of without some expenditure of time and attention.

Object and contents of table No. 4 explained.

3. The Court think it desirable to keep in view the actual expense incurred by the Government in the maintenance of the Moonsiffs' Courts, as compared with the amount realized by the sale of stamped paper to litigants in those Courts, and have therefore instructed me to embody this information in a fourth table, which completes the series for each district.

Proposed abridgment of the statistical portions of the report will leave room for the discussion of general questions,

4. It is believed that this abridgment of the statistical part of the Report will not be the means of withholding from the Government any information regarding the administration of justice, and the character of the agents employed, which former Reports contained, while it will leave the Court at liberty to notice, in greater detail than has been hitherto usual, any subjects of general importance and interest, brought under their consideration either in the course of their judicial business, or in

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No. 23.—Proceedings and reports received from the Principal Sudder Ameen, Sudder Ameen, Moonsiffs, Nazirs, and other Native functionaries.

No. 24.—Cases connected with the custody and disposal of property of intestates.

No. 25.—All other miscellaneous petitions, motions, reports, or business of any description not included under the above heads.

correspondence during the year, or in the reports of the Zillah Judges. If, in pursuance of this purpose, correspondence touching on doubtful points of law and practice be printed in the Appendix, and such extracts from the Zillah Reports, as may be deserving of attention, on account either of the opinions expressed, or the information contained therein, be incorporated with the Court's Report, it may possibly be serviceable as a vehicle of instruction, as well as a record of facts, and encourage useful discussion, as well as impart a stimulus to official industry. It will not be thought necessary, in commenting on the result of operations in the several districts, to examine the official qualifications and merits of the judicial functionaries, with reference either to the quantity of work which they have dispatched, or the issue with which appeals from their decisions may have been attended; nor will the Court, save in a general way, advert to these topics at all, unless unusual success or failure, extraordinary merit or demerit, call for commendation or censure.

and thus it may become something more than a record of facts;

merits of officers, individually will not be examined,

save in a general way, the Court's remarks being confined to instances of extraordinary merit or demerit.

5. It only remains to add, before proceeding to report on the administration in each district, that the general statements, herewith submitted, have been divested of all the details which they formerly exhibited, and represent with sufficient brevity and clearness the work done in all the Courts of these provinces, collectively. In adoption of the forms used by the Calcutta Court, the only distinction admitted is that between the "Regulation" and the "extra Regulation" provinces, to each of which a separate heading in each statement has been assigned, and at the foot of each a comparative view of the information, which it is designed to exhibit for the year under report, and that preceding it, has been added. It is hardly necessary to explain, that the abridgment of these general statements follows, as a matter of course, upon the exhibition of statistical facts respecting the judicial business of each district in separate tables, sufficiently comprehensive to satisfy the enquiries of those personally interested, or those who by the nature of their office are required to seek for detailed information.

The general statements have been divested of details,

owing to their exhibition in separate tables for each district,

ZILLAH DELHIE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pend. at the end of each yr	10 Cases pending beyond one year.	11 Value of original suits, and appeals pending on 31st December
1845, ...	489	5567	172	6218	126	2780	312	2574	456	1	717750
1846, ...	456	4913	121	5190	81	2680 *	171	1967	591	0	320668
Increase, ...	0	0	0	0	0	0	0	0	135	0	0
Decrease,....	33	674	51	758	45	100	141	607	0	1	397082

* Of which *Ex parte*, .. 505
Confession of judgment, 686
1191
Exclusive of those decided by the Judge in either way.

No 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 74 *Days*
Session & Criminal Sittings, .. 38 ,,
‡ 4 to S. D. A.

Names and designations of officers.		*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals*					*Average of appeals instituted to suits decided.*
													Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn.	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Judge,† Mr. J. P. Gubbins, ..	Orgls	0	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls	25	279	5	309	76	175	0	17	41	0	13296	0	0	5	5	0	0	0	2.6
P. S. A. Mohumed Sudder Ooddeen Khan, ...	Orgls	41	119	5	165	1	79	11	36	38	0	255004	50	69	‡32	9	19	0	1	15.84
	Appls	0	0	76	76	0	76	0	0	0	0	0	0	0						
S.A. Ekramooddeen, Delhi		68	889	8	965	0	458	49	357	101	0	23124	81	74	78	28	39	0	6	9·02
S.A. Abdoor Rohman and Shamachurn, Goorgaon. .		67	388	10	465	0	127	12	266	60	0				32	15	16	0	0	7 9
S.A. Attaoollah, Rohtuck,		75	699	1	775	1	331	5	367	71	0				25	8	14	0	2	3·69
Moonsiffs. Mirza Mohumed Beg and Syed Ahmed Khan, Delhi, ..		41	735	4	780	2	368	14	301	95	0	29214	321	4089	43	11	27	0	4	6·29
Moonsiffs. Kasimalli, Paneeput,		45	701	5	751	0	345	11	353	42	0				45	24	19	0	1	6·34
Moonsiffs. Fuqueer chund, Hissar		36	435	3	472	1	331	11	81	48	0				12	5	5	0	0	2 83
Moonsiffs. Sookhasee Lall, Noh,		33	460	1	494	0	265	27	134	68	0				19	8	7	0	2	4·46
Moonsiffs. Buldeo Pershad, Sirsa,		25	210	2	237	0	124	31	55	27	0				1	1	0	0	1	·47
Total, .		456	4913	121	5490	81	2680	171	1967	591	0	320668	402	4232	293	114	146	0	17	6·08

43·84 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headings nos 1 to 21	3	317	7	327	47	249	16	0	15	0
,, Ditto ,, 22 to 25	8	3162	1	3171	0	3167	0	0	4	0
1 PSA headings nos 1 to 21	40	336	44	420	6	274	102	0	38	1
,, Ditto ,, 22 to 25	0	186	0	186	0	186	0	0	0	0
3 Sudder Ameens, ..	115	1030	0	1145	5	808	238	0	94	0
5 Moonsiffs, ...	127	1368	0	1495	15	1180	222	0	78	0
Total.	293	6399	52	6744	73	5864	578	0	229	1

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial Establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Dehlie, ...	1680	0	0	2771	12	0
Moonsiff Paneeput, ..	1680	0	0	2647	0	0
Moonsiff Hissar, ...	1680	0	0	1752	14	0
Moonsiff Noh, ...	2280	0	0	1402	8	0
Moonsiff Sirsa, ...	1680	0	0	724	12	0
Total. ..	9000	0	0	9298	14	0

The Judge's report calls for few remarks.

6. Neither the statements (as epitomized in the foregoing tables), nor the report with which they have been submitted by Mr. J. P. Gubbins, seem to the Court to call for particular notice. It will be observed, that during the past year there was a large falling off in the income of business, and a reference to the entries in the 8th column of the foregoing comparative table favors the conclusion, that the Court's Circular Order, No. 272, dated 23rd January, 1846, in explaining the intent and meaning of the law regarding the indemnification of plaintiffs for the value of stamp paper of plaints in adjusted suits, has caused the decrease in question. If this conjecture be correct, the effect of the order affords room for congratulation, as it contains nothing of a nature calculated to discourage the institution of *real claims*, but, by requiring the acknowledgment of *both* parties as to the adjustment of the matter in dispute before refunding the value of the plaint, it is fitted certainly to put a stop to fictitious litigation, and it would seem to have accomplished this object. In other districts the same result, though not perhaps to so remarkable an extent, will be observed. There was no arrear, either regular or miscellaneous, in any of the Courts of the Delhie territory, when 1846 came to a close, and there is no reason to question the industry of the several officers engaged, most of whom are, in other respects also, well reported of by their superior. The proceedings of Kasim Ali, Moonsiff of Paneeput, who was unfavorably mentioned in the Court's last Report, are still regarded, more or less, with doubt and mistrust by Mr. Gubbins, and neither Sookhbassee Lall, nor Fuqueer Chund, the former Moonsiff of Noh, the latter of Hissar, is commended; but against none of the three is there any thing tangible, that could be justly made the ground of measures for their removal from this department.

There was a smaller income of business, owing, it is thought, to the effect of Circular Order, No. 272, dated 23rd January, 1846, in checking fictitious litigation.

No arrears of any importance existed at end of year, and officers, with one or two exceptions, were industrious.

Pundit Mohesh Chunder's forfeiture of office, and his subsequent restoration were separately reported;

7. All the particulars connected with the forfeiture of office, incurred by Pundit Mohesh Chunder, late Sudder Ameen of Goorgaon, and his ultimate restoration on the ground of his absence beyond the period of leave granted to him having been involuntary, are before the Government in the correspondence* noted below, and this passing allusion is a sufficient record of the incident. Nor does it seem useful to refer in greater detail to another correspondence,† which passed during the period under review, because it relates to the interpretation of rules, which were passed by Government on the 7th October, 1841 to regulate the communications of the Civil and Criminal authorities with the royal family at Delhie, and have therefore only a local interest and application; but the point of practice, considered and determined in the letters‡ specified below, is not peculiar to this district, and the concurrent opinion of both Sudder Courts respecting it, though not perhaps of sufficient importance to call for a Circular Order, is promulgated in this form (vide Appendix A) for general information.

And other correspondence relates to a subject of purely local effect and importance, and therefore is not recapitulated.

But the publication of the Court's opinion regarding the power of the Civil Courts to execute process of arrest on a holiday, is thought useful.

The Moonsiff's divisions remain unaltered.

8. I am directed to add, with reference to the statement made in the 6th paragraph of last report, that the jurisdictions of the subordinate Courts have been allowed to remain unaltered, as reported for the information of Government in my letter, No. 1525, dated 29th September, 1846.

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* My letter No. 392, dated 27th March, 1847, with 11 enclosures.
Your reply, No. 1751, dated 28th April.
† My letter, No. 984 dated 4th July, with its several enclosures.
Your reply, No. 3089, dated 21th idem.
‡ My letter to Calcutta Court, No. 697, dated 9th May, 1846.
From Calcutta Court, No. 818, dated 5th June.

ZILLAH SAHARUNPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	1259	4783	276	6318	135	2587	324	1883	1339	6	277788
1846, ...	1339	4587	50	5976	36	2534*	351	1744	1311	5	301251
Increase, ...	80	0	0	0	0	0	27	0	0	0	23463
Decrease, ...	0	196	226	342	149	53	0	139	28	1	0

* Of which *Ex parte*, .. 635
Confession of judgment, 676
1311
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

* 3 To S. D. A.
† Civil sittings, 181 days.
Session and Criminal Sittings, .. 50

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrpn. of suits.*		*Result of Appeals*					*Averaged appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Judge Mr. G. F. Harvey,†	Orgls 0	0	4	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls 105	206	1	312	0	226	15	7	64	0	23750	0	0	1	1	0	0	0	·4
P.S.A. Mohumed Hoosein,.. ..	Orgls 67	181	15	263	4	147	13	37	62	1									
	Appls 0	0	0	0	0	0	0	0	0	0	180431	35	170	*32	11	37	2	3	15·04
P.S.A.Mr.A.Ross,	Orgls 6	24	0	30	0	13	2	4	11	1									
	Appls 0	0	0	0	0	0	0	0	0	0									
S. Ameen,.. .. (none),	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs. Mr. H N.L. Berkeley, Saharanpore, ..	153	911	8	1075	4	440	45	391	195	0				45	9	31	2	1	5·13
Sheikh Ahmud, Sirsawah, ...	151	535	8	694	9	303	32	259	91	0				22	6	20	0	1	3·7
Busheeroollah, Deobund, ...	220	349	3	1072	9	385	119	220	339	0				51	9	40	4	0	7·04
Ameenooddeen, Shamlee, ...	433	818	5	1256	3	506	34	352	361	3	97070	383	3733	32	7	27	4	0	3·58
Mohumed Yaheea, Moozuffernugger, ..	158	764	6	928	3	369	71	371	114	0				23	4	19	1	1	2·83
Mr. A. Ross, Deyrah Doon, ...	46	296	0	342	0	145	20	103	74	0				5	0	3	1	0	1·86
Total. ..	1339	4587	50	5976	36	2534	351	1744	1311	5	301251	418	3963	211	47	179	14	6	4·55

20·79 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headings nos 1 to 21	30	171	1	202	21	155	7	0	19	0
,, Ditto ,, 22 to 25	26	1252	0	4278	325	3583	292	0	78	0
2 PSA's headings nos 1 to 21	141	379	34	554	0	263	171	0	120	4
,, Ditto ,, 22 to 24	4	153	18	175	1	171	2	0	1	0
Sudder Ameens (none) ..	0	0	0	0	0	0	0	0	0	0
6 Moonsiffs, ...	946	3407	0	4353	5	1329	2081	0	938	3
Total,	147	9362	53	9562	352	5501	2553	0	1156	7

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald by sale of stamps.		
Moonsiff Saharunpore,	1680	0	0	4974	0	0
Do. Sirsawah, ...	1680	0	0	2893	0	0
Do. Deobund, ...	2280	0	0	4468	8	0
Do. Shamlee, ...	2280	0	0	4061	8	0
Do. Moozuffernugger,	1680	0	0	4193	10	0
Do. Deyrah Doon, ..	0	0	0	1075	4	0
Total,	9600	0	0	21665	14	0

In illustration of foregoing tables, the number of applications for execution of decrees, disposed of, stated.

9. The Court believe, that, in elucidation of the foregoing tables, it is only necessary to state that among the miscellaneous cases, shewn (column 6) to have been disposed of by orders on the merits, are included 1246 applications for execution of decree, in 685 of which the claim was fully satisfied, and in 561 partially enforced. The cases of this nature, struck off on default, still continue to be very numerous, but the Court, for the reasons given in the 12th paragraph of their last Report, are not inclined to think that the system in operation is either wrong in principle, or so injurious in its consequences as to call for remedial measures. At any rate, with no more information than the following extract from Mr. Harvey's report affords, no such measures can be undertaken, the less so, as the evils noticed would seem to be inseparable from the rule of law, which allows a decree-holder to sue out execution at any time within 12 years from its date, and from the practice which is authorized by Constructions Nos. 935 and 1056. The Government are aware, that, deferring to the objections very generally urged to this practice, and to the wish implied in paragraph 11 of your letter No. 960 dated 26th February last, the Court have consented to review the correspondence connected with the subject of those Constructions, and to reconsider it in all its bearings. "There can be no doubt," says Mr. Harvey, "that parties holding old decrees are enabled to extract money "by the threat of executing them; that this system has a tendency to "prevent an insolvent from recovering from his difficulties; that in many "cases old decree-holders hang back, until they observe execution sued "out under a new decree, when they slip in to share in the profits of the "sale of property, which the new plaintiff has been at the trouble to point "out, and bring to sale, and which in many cases has been acquired long "since the issue of the old decree." The classified return alluded to in the Court's last Report Mr. Harvey proposes to submit, when in possession of more certain data than he has yet been able to collect.

Large proportion struck off, noticed, in consequence of the system in force, which cannot be as yet remedied;

but Constructions Nos. 935 and 1056, will be reconsidered.

The re-arrangement of Moonsiffs' jurisdictions has contributed, Judge thinks, to equal distribution of work:

10. The re-adjustment of the Moonsiffs'* jurisdictions, is thought by the Officiating Judge to have the effect of bringing about a more equal distribution of work, and little importance is attached by him to the fact of the income of business in the Courts at Shamlee and Deobund being much in excess of that in the other Moonsiffees, so long as the "keeping down the files" in those Courts is feasible. The inequality, however, as may be seen on reference to the tables, is still very considerable, and it is obvious that, while such inequality exists, the agency available is not employed to the best advantage; nevertheless, there are other considerations, which must not be lost sight of in defining the limits of each Court's jurisdiction, and these are such as cannot escape the notice of the Local Officer, to whose judgment therefore the Court are disposed to defer, the more so, as the present arrangement has been but a short time in force, and it is hardly possible to judge, with any confidence, of its fitness.

inequality still considerable, but Court must for reasons stated defer to local officer's opinion.

The files were in good order at end of the year.

11. None of the old cases, either regular or miscellaneous, which remained undecided at the close of 1846, involve delay or negligence on the part of the Officers concerned, nor do the details represented in the statements call for remark. It may be added, with reference to the

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* *Vide* my letter No. 1164, dated 3rd July, 1845, and No. 21, dated 4th January, 1847.

expectation expressed in the 9th paragraph of the Court's report for 1845, that "at the close of January, 1847, every appeal case on the Judge's "file, appertaining to the year 1846, had been decided or had been heard, "and was waiting the expiration of the prescribed notice to parties." The records of the Judge's Court have been properly arranged at a small outlay.

And records have been adjusted.

12. All the native judicial officers, the Court are glad to observe, are well reported of by Mr. Harvey, whose recommendation for the removal of Busheeroollah from Deobund, and Ameenooddeen from Shamlee, on account, as regards the former, of his having landed property within his jurisdiction, and as regards the latter, owing to old age and physical debility, will receive the due consideration of the Court, whenever a favorable opportunity may offer.

The native judges receive a good character from Mr, Harvey, who, however, recommends removal of two from their present posts.

ZILLAH MEERUT.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pendg. at the end of each yr.	10 Cases pendg. beyond 1 yr.	11 Value of original suits, and appeals pending on 31st December.
1845, ...	1457	5183	372	7012	402	2836	758	1902	1114	10	260079
1846, ...	1114	1846	465	6425	419	2418 *	722	1594	1272	3	248084
Increase, ...	0	0	93	0	17	0	0	0	158	0	0
• Decrease,....	343	337	0	587	0	418	36	308	0	7	11995

* Of which *Ex parte*, .. 560
Confession of judgment, 902
—— 1462
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 135 *Days.*
Session & Criminal Sittings, .. 79 ,,
‡ 5 to S. D. A.

Names and designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Judge,† Mr. A. W. Begbie & Mr. T.C. Plowden, Orgls.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appeals, ...	102	224	4	330	110	157	12	7	44	0	10417	0	0	3	3	0	0	0	1·7
PSA. Nawab Mhd. Ubdolla Khan,.. Orgls / Appls	39	117	6	162	0	82	9	29	42	2	115682	20	97	‡28	22	19	1	3	11·11
	24	0	113	137	3	111	18	3	2	0	373	0	0						
S.A. Shamachurn Banorjee, & Ubdool Ruhman, Meerut, *Moonsiffs.*	65	156	160	381	1	187	54	77	62	1	34507	23	133	41	32	52	7	4	12·89
Nasir Ally Khan, Shamachurn, Mukhunlol, Meerut,	137	674	7	821	66	211	32	144	368	0				34	7	27	5	2	8·78
Kazim Ally Khan, Mukhun Loll, Hauper, ..	173	554	2	729	90	243	58	231	107	0				28	8	17	5	0	5·26
Nasir Ally Khan, Sirdhana,	161	608	30	799	66	210	79	283	131	0				17	4	5	2	0	2·82
Kutam Ally Khan, Dasna,	41	557	52	653	0	291	121	116	125	0	87105	29	1055	16	6	10	0	0	3·03
Mr. V. Berkeley, Boolundshehur, ..	96	474	79	649	2	294	95	188	70	0				34	16	21	2	1	5·89
Kazim Ally Khan, Sekundrabad, ..	180	913	4	1097	81	250	189	341	236	0				17	5	8	1	0	2·17
Mahomed Bux, Debaee, ..	93	566	8	667	0	352	55	175	85	0				18	7	7	1	0	3·09
Total, ..	1114	4846	465	6425	419	2418	722	1594	1272	3	248084	337	4285	236	110	166	30	10	4·98

39·85 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headings nos 1 to 21	87	184	2	273	20	173	14	0	66	1
,, Ditto ,, 22 to 25	223	2960	0	3183	2	3067	0	0	114	2
1 P. S. A. Ditto nos 1 to 21	44	335	43	422	3	207	125	0	87	1
,, Ditto ,, 22 to 25	0	0	0	0	0	0	0	0	0	0
1 Sudder Ameen, ..	75	355	0	430	0	272	87	0	71	0
7 Moonsiffs, ...	540	2511	9	3060	2	1392	1164	0	502	3
Total...	969	6345	54	7368	27	5111	1390	0	840	7

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Meerut, ..	2128	4	6	2910	12	0
Moonsiff Hauper, ..	1460	10	3	2502	0	0
Moonsiff Sirdhana, ..	1481	4	10	2775	8	0
Moonsiff Dasna, ..	1680	0	0	2468	12	0
Moonsiff Boolundshr.,	2242	8	0	2475	0	0
Moonsiff Sikundrabad,	1155	0	0	2736	0	0
Moonsiff Debaee, ..	1680	0	0	1848	10	0
Total, ..	12127	11	7	17726	10	0

13. It will be observed that, though the income of business, both regular and miscellaneous, fell short of that in 1845, there was an increase in the amount of arrear on the file of the former department, which would seem to be traceable to the numerous changes of incumbency, shewn by the preceding statements to have taken place in the several Courts, to the vacation of the Meerut Moonsiffee for a considerable time owing to the omission of the Officiating Judge to nominate a temporary substitute for the Court's approval, and possibly in part to the inexperience of the newly appointed officers. The circumstance, however, is hardly of such importance as to need even this explanation, for there was no such accumulation of arrear at the end of the year, as to interfere with the efficient working of the several Courts, nor were the cases of long standing numerous. The business of the miscellaneous department has received the requisite degree of attention, and the results which are exhibited above comprise the complete or partial execution of 1442 decrees, in the proportion of 732 to the former, and 710 to the latter category. The state of the files does not appear to the Court to call for further remark.

Arrear has increased on regular file, for reasons apparent on the face of tables;

business, however, of both departments has been properly attended to.

14. Mr. Begbie, as the Government are aware, was employed elsewhere from the 3rd May to the 1st December; but his report will be found, notwithstanding, to contain all that is requisite to elucidate the tabular entries above given, and, generally, the operations of the Courts during the past year. He directs attention to the large proportion of the Principal Sudder Ameen's (Mahomud Abdoollah), and the Sudder Ameen's (Abdool Ruhman) decisions, which were reversed or modified in appeal, as being somewhat unsatisfactory, and it is worthy of notice, that the proportion borne by appeals preferred from their Courts to the number of decisions passed, is also larger than in the case of the other subordinate judges. But in neither the one nor the other fact is there so much necessarily condemnatory of the judgment of those officers as Mr. Begbie would seem to suppose; the more difficult and important nature of the suits, laid in those Courts, would naturally lead to the more frequent institution of appeals, than might be usual in the case of the Moonsiffs' Courts, but the proportionate number of these appeals, though large in comparison with those from the other tribunals of the Meerut district, fall very far short of the number exhibited in the returns from other districts; as, for instance, Ghazeepoor, Jounpoor, Goruckpoor, *quod vide*; in the latter, the proportion of reversals resulting may possibly be smaller, but the inferences, hence deducible (if favorable) are counteracted by the impression which the larger number of appeals preferred is calculated to produce. Argument, however, is thrown away on such a subject as this; it is impossible to form a satisfactory, much less a conclusive judgment respecting the qualifications of judicial officers, on figured statements only, however comprehensive and exact. The ability, knowledge and experience of the local appellate officer, his acquaintance with native character, and his capacity to appreciate native evidence, above all the nature of the suits brought before the Courts, and of the questions adjudicated in appeal, besides other considerations, should be borne in mind; and the figured returns can only be received as *primâ facie* evidence of good or bad judgment on the part of those, whose proceedings are subjected to revision in appeal, and as affording ground, if need be, for further enquiry. Aided by their personal knowledge of the character of their subordinates, the Zillah Judges are in a better position, than the Court, for arriving at a correct opinion respecting their qualifications, and should endeavor, in forming it, to look upon the figured statements of appeals, as an indication, merely, rather than a sufficient

The Judge's report full;

but his remarks as to appeals from the Principal Sudder Ameen's and Sudder Ameen's Court, not concurred in by Sudder Dewanny Adawlut for reasons stated.

No conclusive opinion regarding the qualifications of the judicial officers can be derived from figured statements,

which should be taken rather as an indication or guide, than a satisfactory standard.

and satisfactory test, of the degree of official ability possessed by their subordinates. The Court have stated in the 54th paragraph of their last report, and they again repeat, that "they are reluctant to look upon" the result of appeals "as a safe test of judicial efficiency."

Comparison invited between the entries in columns 12 and 13 of table No. 2, with corresponding entries in the tables for the districts of Benares Province.

15. The Court cannot close this section of their report, without calling attention to the 12th and 13th columns of the table No. 2, and inviting a comparison thereof with the corresponding entries in the districts, composing the province of Benares. The very small proportion of suits relating to interests in land, or claims to real property under whatever form, contrasts remarkably with the character of the litigation that is found to prevail in the districts referred to, and constitutes perhaps better ground for estimating the labors of the officers concerned, than the quantity of work disposed of.

Judge's instructions for securing an uniform rate of Tullubana in the three superior Local Courts may be generally followed, and are therefore subjoined.

16. The 20th paragraph of the Judge's letter alludes to a measure, which may be generally adopted, the Court think, with advantage, and it is therefore incorporated with this report. Extract (paragraph 20), "I find that, hitherto, different rates of Tullubana have been maintained in the three Sudder Courts, viz. those of the Judge, Principal Sudder Ameen, and Sudder Ameen, which obviously ought not to be. I have therefore directed a revision to be made of the tables of distances from the sudder station, on the same principle as those from the Moonsiff's Kucherrees, and when the same is completed, copies will be furnished to the Principal Sudder Ameen and Sudder Ameen, and thenceforward one uniform rate will be adopted by the three Courts."

Calcutta Court consulted as to the issue of Circular Order relative to the investigation of claims to property, advertised for sale in execution of decree.

17. The Court have thought it advisable to communicate with the Calcutta Court on the subject of Mr. Begbie's 23rd paragraph, with a view to the issue of a Circular Order to regulate the practice of the judicial officers, generally, in the reception and investigation of claims to property advertised for sale in execution of decree, and of objections to the intended sale.

The Judge has invited his subordinates to express their opinions on matter falling under their notice:

18. It seems to the Court, that Mr. Begbie has acted judiciously in encouraging the uncovenanted judges to express annually their opinions on such matters of a general nature, as may have fallen under their observation, and that the example might be elsewhere followed with advantage. In the course of their judicial practice they must become acquainted with facts, bearing on the civil administration, which it would be important for the controlling authorities to know, and they must have many opportunities of marking the operation and effect of legislative Acts, and of the Circular Orders, issued by the Court for their guidance: the facts and opinions, contributed by them, if new or valuable, may be made available for useful purposes, and, if of another character, they may be left unheeded, and no harm can ensue. The substance of the communications, which Mr. Begbie's invitation has called forth, is contained in the 25th—30th paragraphs of his report, which, in pursuance of the plan proposed by the Court in the 4th paragraph, are here inserted.

the substance of communications, thus obtained, is subjoined.

"25th. In pursuance of these instructions, the Principal Sudder Ameen laments the enactment of Act V. of 1840; the effect of which, he affirms, has been to encourage perjury and the institution of fraudulent suits, the natives of this country not having the same regard for the affirmation substituted by the Act, as they had for the ancient forms of oath. On this subject, my own opinion coincides with that of the Principal Sudder Ameen; but the act having been passed, it is to be presumed, on mature deliberation, there is no ground for hope that the old order of things will ever be restored. I

"look upon the present form of adjuration as a perfect nullity. It "would, I think, be preferable to dispense with any declaration what- "ever, and simply to impose the penalties of perjury on all persons giv- "ing false testimony in a court of justice.

"26th. The Sudder Ameen remarks, that the former prevalence of "cases of resistance of process is ascribable to the corruption of the "muzkooree peons, who on receiving a consideration from the arrested "defendants, connived at a mock resistance, and favored the evasion of "the bribing parties. He states, that he has adopted measures to put "a stop to this practice, and that, in consequence, cases of resistance "of process have considerably diminished in number. I think it very "probable that the opinion of the Sudder Ameen in this matter is well "founded; but as he has not stated any particulars, I have called on "him for a comparative statement, shewing the number of cases of "resistance of process for the period of one year, antecedent to the "adoption of his precautionary measures, and for the same period, "subsequent thereto. The same officer records his opinion, that frau- "dulent suits are much more prevalent in this district than in others in "which he has been employed, although he admits that no district is "free from the imputation.

"27th. The Moonsiff of Debace appears to consider the Circular "Order of the Sudder Dewanny Adawlut, No. 1131, under date 2nd "July, 1845, opposed to the provisions of clause 5, section 25, Regula- "tion XXIII. of 1814, but is of opinion that the extension of that Cir- "cular Order to the Moonsiffs' Courts would be beneficial. The sup- "posed contradiction does not exist, as the Circular Order evidently "is intended to apply to the Courts of the Judges and Sudder Ameens, "mention being made of the specific law by which *their* practice is guid- "ed. In the Moonsiffs' Courts, if the rejoinder be not filed within the "fixed period, (*i. e.*, that specified in the second clause of the section "quoted by the Moonsiff) the Moonsiffs are not bound to await the "expiration of six weeks, nor, with reference to the small value of the "suits tried by those officers, does it appear to me that there is any "necessity for an alteration of the law, as the proceedings in those "Courts would be thereby protracted without any corresponding "advantage.

"28th. The Moonsiff of Boolundshehur represents that the busi- "ness of his Court is much diminished by the new arrangement of the "Moonsiffs' jurisdictions; and he ascribes this falling off to the sepa- "ration from his jurisdiction of pergunnahs Khoorjah and Sikundra- "bad. On comparing the income of suits with that of the preceding "year, the Court will observe, that the Moonsiff's remark is not un- "founded; and should his file continue in the same reduced state, it "may, perhaps, be deemed expedient to re-transfer either, or both, of "the above named pergunnahs, from the Sikundrabad to the Boolund- "shehur Moonsiffee, and thereby effect an equalization of duty. The "file of the Sikundrabad Moonsiff is, at present, disproportionately "heavy, compared with all the other jurisdictions.

"29th. Mr. Berkeley is of opinion, that the Circular Order of the "23rd January, 1846, has been of great benefit in checking the insti- "tution of fraudulent suits, and that formerly the indiscriminate refund "of the value of the institution stamp tended greatly to promote false "claims.

"30th. The Moonsiff of Haupoor submitted a rather long report, "but I can find nothing in it, which calls for any notice. None of the "other Moonsiffs offer any suggestions whatever."

ZILLAH ALLYGURH.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	1095	5130	270	6495	223	3666	421	1247	933	0	835691
1846, ...	933	5599	506	7038	509	3686 *	354	1530	959	2	348264
Increase, ..	0	469	236	543	281	20	0	283	26	2	12573
Decrease,..	162	0	0	0	0	0	67	0	0	0	0

* Of which *Ex parte*, .. 827
Confession of judgment, 1729
2556
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil sittings, 196 *days*
Session and Criminal Sittings, 46 ,,
‡ 7 To S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrpn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Judge Mr. M.J. Tierney,† .. { Orgls	0	0	134	134	135	0	0	0	1	0	0	0	0	0	0	0	0	0	0
{ Appls	135	308	6	449	196	156	9	12	76	0	40759	0	0	6	6	0	0	0	3·38
P. S. A. Villayet Ullee, .. { Orgls	43	101	4	151	4	73	6	8	60	1	212076	49	55	‡38	27	23	2	3	14·44
{ Appls	11	0	174	185	6	164	7	5	3	0	1049	0	0						
SA Mohd Kasim Allygurh *Moonsiffs.*	61	223	59	343	1	221	18	27	76	0	44505	92	131	58	11	24	2	6	21·8
Moharizooddeen, Khyr,	75	600	16	695	0	378	24	168	125	0				11	6	9	0	1	1·92
Gholam Gouse, Kasgunj,	47	624	20	691	1	397	62	123	108	0				29	13	22	0	0	4·98
Zeinoddeen, Attrowlee,	75	633	53	761	22	343	60	240	96	0				18	8	14	1	2	2·79
Inayet Ahmed, Coel, ..	254	1628	24	1906	98	911	67	609	221	0				85	21	65	4	2	5·35
Allesruza Khan, late Moonsiff of Hattrass,	80	702	15	797	22	154	17	52	130	0	49875	300	4664	37	11	32	2	2	5·73
AliBux, off. do. Hattrass	0					307	17	98		1									
Mahomed Subheeoodeen, Jullaisur, ..	50	348	0	398	18	256	17	73	34	0				8	1	4	2	1	2·31
Gholam Moheeoodeen, Ryah, ...	98	429	1	528	8	326	50	115	29	0				35	13	21	3	2	7·12
Total, ..	933	5599	506	7038	509	3688	354	1530	959	2	348264	441	4850	325	117	214	16	19	5·83

35·34 per cent. reversals.

* From Jan. to Sep.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs nos 1 to 21	191	470	12	673	38	534	69	0	82	0
,, Ditto ,, 22 to 25	149	6911	0	7060	41	6929	0	0	90	11
P. S. A. ditto nos 1 to 21	164	482	22	668	13	392	141	0	122	0
,, Ditto ,, 22 to 25	1	436	19	467	0	455	0	0	12	0
1 Sudder Ameen, ..	102	786	13	881	19	567	158	0	142	0
7 Moonsiffs, ...	595	4067	166	4828	122	2356	1716	0	632	0
Total, ..	1210	3132	232	14580	233	11233	2084	0	1030	11

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Khyr, ..	2280	0	0	2778	0	0
Do. Kasgunj, ...	1941	0	0	2071	0	0
Do. Attrowlee, ...	1680	0	0	1595	0	0
Do. Coel, ...	1680	0	0	3972	0	0
Do. Hattrass, ...	1531	0	0	3189	0	0
Do. *Jullaisur, ...	1363	0	0	1355	0	0
Do. *Ryah, ...	1260	0	0	1938	0	0
Total, ..	11743	0	0	16848	0	0

The business, though larger than in 1845, has been well attended to

19. The comparative table No. 1, shews, that though there was a considerable increase in the income of Civil business during the year 1846, the arrear on the several files, at its close, was not correspondingly larger. All the officers engaged would seem, from the further details entered in table No. 2, to have discharged their duties with diligence, proportioned to the necessity for its exhibition, and with a measure of activity which leaves no room for complaint in that respect. In the regular department, it will be observed, there were but two cases, of longer standing than a twelvemonth, undecided, and of these one was determined early in this year, while the other was remanded for re-trial in December. On the miscellaneous files, the only cases of this description related to intestate property, and could not be disposed of before the expiry of the period allowed by law for the appearance of claimants.

and quickly dispatched,

without any arrears of long standing being left.

Result of operations in execution of decrees, not very successful.

20. The result of operations in carrying out decrees to execution has not been very successful, though there is no ground to suppose that this is attributable to any official remissness: 652 were fully enforced in all the Courts, while 1169 adjudged claims were partially settled, and no less than 1977 cases were struck off on default of the decree-holder to proceed in the execution of his decree.

With reference to opinion elsewhere expressed, the small proportion of appeals is thought to arise,

21. It seems proper, with advertence to the proportion and issue of appeals, as exhibited in the six last columns of table No. 2, to remark, that the former tends to support the opinion, which the Court have expressed elsewhere, that the number of appeals will, generally speaking, be large in those districts, where claims relating to real property compose a large proportion of the judicial business, and *vice versâ*: of 5291 original suits, which were instituted during the past year in the several Courts established in this district, no more than 441 were of the nature above indicated, and to this fact, as well as in some measure to the great number of cases decided *ex parte*, or on confession of judgment, may the unusually small proportion of appeals preferred to judgments passed, be with reason attributed. In regard to the issue of Moonsiffs' appeals that went to trial, it should be observed that the Judge disposed of 96, reversing the orders of the lower Court in the proportion of 20·8 per cent., while the Principal Sudder Ameen interfered with the decision appealed from in 53 (36· per cent.) out of 144 cases, that were revised by him in his appellate capacity.

firstly, from the small number of suits relating to real property,

and secondly, from numerous *ex parte* and *Ikbaldawa* decisions.

Two Moonsiffs' Courts have been made over to Agra, *since last* report's date.

22. Since the date of the Court's Report for 1845, the Moonsiffees of Ryah and Juleysur have been transferred to the jurisdiction of the Agra Judgeship, for reasons which have been laid before the Government in separate correspondence, and which are alluded to in the remarks under the head of AGRA.

The Judge alludes to two subjects,

23. In the concluding paragraph of his report Mr. Tierney touches upon two points of no mean importance: one is the common practice of judgment debtors colluding in the institution of fictitious suits, and filing *Ikbaldawa* for the purpose of securing to the *(quasi)* decree-holders a rateable share in the assets of property sold in execution of the *bonâ fide* decree, and thus defrauding the actual creditor. The other is the prevalence of fictitious suits, founded on forged bonds, and for the removal of both these evils Mr. Tierney proposes an extension of the registry laws; the Court, having of late had their attention directed to both these subjects, and having taken such measures in regard to them as seemed advisable, do not desire at present to examine the details of Mr. Tierney's proposal, or to commit themselves to any opinion respecting it.

which, as they have already received Court's attention, call for no notice in this place.

ZILLAH MOORADABAD.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pendg. at the end of each yr	10 Cases pendg. beyond 1 yr.	11 Value of original suits, and appeals pending on 31st December.
1845, ...	2362	8019	1409	11790	1389	5156	793	1947	2505	2	256488
1846, ...	2505	6232	1217	9954	1216	4660*	817	1399	1862	2	295156
Increase, ...	143	0	0	0	0	0	21	0	0	0	38668
Decrease,....	0	1787	192	1836	173	496	0	548	643	0	0

* Of which *Ex parte*, .. 1261
Confession of judgment, 1071
2332
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 143 *Days.*
Session & Criminal Sittings, .. 95 ,,
‡ 12 to S. D. A.

Names and designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Judge,† Mr. H Lushington, Orgls.,..	0	3	404	40	407	0	0	0	0	0	0	0	3	0	0	0	0	0	0
Lushington, Appls,..	79	558	4	641	382	116	4	9	130	0	18261	0	0	1	0	1	0	0	·77
PSA. Syud Tussuddook Hoossein Khan, .. Orgls.	11	53	7	71	3	36	2	13	17	1	68864	22	31						
Appls.	40	0	358	398	2	374	12	8	2	0	392	0	0	‡18	7	26	2	1	4·04
SA. Mohd. Hussun Khan, Mooradabad, ..	134	79	234	447	8	230	32	51	126	0	38544	45	94	69	23	44	2	0	22 04
SAMohmd Sulcem, Bijnore *Moonsiffs.*	199	533	10	742	75	326	34	113	194	0				43	8	24	2	1	9·09
Saddoollah Khan, Umroha,	198	457	7	662	26	311	86	97	142	0				44	12	27	1	2	8·9
Mohd. Noor, Nugeenah,	246	811	44	1101	2	597	54	205	243	0				60	9	27	1	2	7·
MoolzzoollaKhanDhampore	297	483	52	832	28	389	152	100	163	1				56	22	26	2	0	8·73
Hafeezooddeen Ahmud, Chundowsee, ..	285	682	46	1013	38	488	101	218	168	0				61	22	28	0	2	7·93
Tujumool Hoossein Khan, Sumbhul, ..	214	804	26	1044	116	448	113	190	177	0				58	16	30	2	2	7·05
Rehmut Oollah, Suheswan,	200	164	0	364	15	177	39	29	104	0	169095	1049	1430	14	6	4	0	0	5 71
Mashook Ali Khan, Mooradabad environs, ..	182	468	18	675	58	358	79	94	86	0				77	25	39	1	5	14·5
Quazee Mahomed Buksh, Mooradabad city, ..	160	497	5	668	19	371	40	165	73	0				3	11	25	1	2	5·9
Serajooddeen, Islamnugger	160	213	0	373	0	169	30	31	143	0				17	17	5	0	0	7·39
Uzmutoollah Khan, Thakoordwarah, ..	87	427	2	516	37	270	39	76	94	0				33	7	12	2	0	8·57
Total, ..	2505	6232	2 7	9954	1216	4660	817	1399	1862	2	296156	1116	1558	583	185	318	16	17	8·47

36·77 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headgs. nos 1 to 21	142	216	6	364	58	285	11	0	10	0
,, Ditto ,, 22 to 25	64	5583	91	5738	21	5706	1	0	10	0
1 P. S. A. Do. nos 1 to 21	32	141	79	252	0	161	61	0	30	0
,, Ditto ,, 22 to 25	17	493	182	692	0	674	14	0	4	0
2 Sudder Ameens, ..	176	1147	0	1325	34	884	238	0	174	0
10 Moonsiffs, ...	1074	5088	0	6162	35	3383	1740	0	1004	0
Total,..	1507	12668	358	14533	148	11093	2060	0	1232	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Umroha, ...	1680	0	0	1647	0	0
Nugeenah, ...	2380	0	0	3354	0	0
Dhampoor, ...	1680	0	0	1765	0	0
Chundowsee,.. ..	1680	0	0	2486	0	0
Sumbhul, ..	1680	0	0	2742	0	0
Suheswan, (5 months,)	700	0	0	500	0	0
Environs Mooradabad	2380	0	0	1426	12	0
City Mooradabad, ..	1680	0	0	1083	8	0
Islamnugger (5 mos.)	700	0	0	500	0	0
Thakoordwarah, ..	1680	0	0	1707	14	0
Total, ..	16240	0	0	17214	2	0

24. The changes of jurisdiction, which were stated in the 31st paragraph of the Court's Report for 1845 to be in progress, were carried into effect, as regarded the transfer of the Islamnuggur and Saheswan Moonsiffees to Bareilly, on the 1st June, and, as regarded arrangements in the interior, on the 1st July. It follows from this reduction in the strength of the subordinate agency, that a comparison of the figured returns for 1846 with those of the preceding year must yield results, in some degree fallacious, and it is necessary to state, that the total of pending cases, exhibited in the 9th column of the above tables, does not give the true number that awaited decision in the subordinate Courts of this district at the close of 1846, but 247 more cases on the regular, and 205 more on the miscellaneous file, because in the said total are included the cases, which were pending in the Moonsiffees of Saheswan and Islamnuggur at the time of their transfer to the jurisdiction of the Bareilly Court. But this fact is not in itself sufficient to account for the very great decrease in the income of civil business, which is represented by table No. 1 to have taken place; and it is necessary to look elsewhere for the cause. Two circumstances would seem to have contributed mainly to this result; and they are both such as to afford room for congratulation, rather than regret; the one is the activity with which forgery has been prosecuted during the past year, and the other is the Court's construction of the law, which directs, that the value of the stamp on which plaints are engrossed shall be refunded to the plaintiff, whenever the suit may be amicably adjusted at a certain stage of the proceedings.

The changes of jurisdiction render any comparison of the figured statements with those for 1845, useless;

but the great reduction in income of work is also, in part, attributable to the active prosecution of forgery,

25. In regard to the former, the Court cannot do better than extract the 17th paragraph of the Judge's report, which gives some account of its effect, and of the impression which the community generally have received. "One of the causes assigned for this decrease has "been the active prosecution of forgery during the year 1846. Several "cases, in which persons of wealth and apparent respectability have "been convicted, have been before the Magistrates and the Sessions "Judge. Numerous instances of forgery and fraud have come to light "in the course of these investigations, although it may not have been "found practicable to prosecute them to conviction; and all the Moon-"siffs, emulous of distinguishing themselves in this crusade against the "most prevalent crime in India, have reported on the cases which come "under their notice in the local Courts. In one month during the year, "the column of cases instituted before the Moonsiff of the city of Moo-"radabad was almost blank, and it was in answer to the verbal enqui-"ries which I made at the time from the best informed native gentlemen, "that I heard this 'relentless prosecution' of forgery generally assigned "as one of the reasons. Whether this, assuming it to be true, is matter "for congratulation or for regret, depends altogether upon the nature of "the suits which would have been instituted under other circumstances. "I am not disposed to think, that the punishment of falsehood would check "the exhibition of truth; and therefore, if the reason assigned have any "weight at all, I consider the Court of the Moonsiff to have been hap-"pily relieved of a load of dishonesty. I have been assured, not only by "the courtier and the dependent, but by the peasant and the shop-keeper, "that whole bundles of fabricated papers have been destroyed, and that "hundreds of persons have escaped, who, but for these energetic proceed-"ings, would ere this have become the victims of fraud." If this universal testimony be thought insufficient to establish the truth of this conclusion, it may be strongly corroborated by a comparison of the statement, which exhibits the description of suits instituted in the several Courts

which is described in para. 17 of Judge's report, subjoined.

The facts stated in extract are confirmed by entries in the statements,

during 1846, with the same return for the preceding year, and which shews, that the number of debts claimed during the period under review has been less than it was in 1845, by nearly 1500. These are the very suits, in the number of which active measures for the detection and suppression of forgery and fraud might have been expected to produce a reduction, for such claims are for the most part founded on bonds, or other written instruments of the same nature, which can be fabricated with the greatest facility, and established as the law requires (vide section 6, Regulation VIII. 1805) with equal ease in a country where every witness has his price, and where perjury is held to carry with it no moral degradation. The Court's opinion as to the second of the two causes of this falling off in the income of business, is verified by the entry in the eighth column of table No. 1, which exhibits a reduction of 548 in the number of suits adjusted or withdrawn during the past, as compared with the preceding year. If, as the Court conceive, the restriction prescribed by the Circular Order referred* to is not calculated to check the institution of *real claims*, it may be fairly inferred that its only effect has been to put a stop in some measure to fictitious or dishonest litigation, and in doing so, to relieve the Courts from the opprobium of being made instrumental in the accomplishment of unworthy ends.

which likewise shew, that the Circular Order dated 23rd Jan. 1846, has also operated in the same direction.

Execution of decrees is satisfactorily conducted;

26. The execution of decrees appears to be satisfactorily conducted in this district, though here, as elsewhere, the high proportion of cases, struck off on default, to cases decided on their merits attracts attention: 1621 claims were fully, 527 partially adjusted, and 1927 applications were struck off, owing to the decree-holders' failure to proceed, without any part of the decree being executed. The Judge's remarks on this subject are subjoined, and the Court, in acknowledging the justice of them generally, have only to add that, if injustice or evil of any kind be the result, it is chargeable, not to the system, as such, but to the dishonesty of those, who choose to profit by the necessities of the indigent, or the improvidence of the unwary, and condescend to make use of the Courts of Justice as instruments for the furtherance of their purposes. "In the "Court of the Moonsiff of the city of Moradabad, 474 out of 594 cases "of execution of decree were struck off the file on default. It is impos- "sible to suppose that nearly 500 attempts to execute decrees in one "Moonsiffee have been allowed by the decree-holders to fail from mere "carelessness, and we are compelled to believe either that the parties "satisfied their creditors without further interference on the part of the "Courts, or that the creditors by pressing their demand hope to obtain "some power over their debtors which they use for dishonest purposes. "That this idea is not altogether chimerical the criminal records of Mo- "radabad will shew: in several of the cases of perjury and forgery, "which have been investigated during the year 1846, this influence may "be traced; and although it is nothing new to say that men abuse "power, yet it would be very remarkable if they abused power of the "particular kind referred to so unscrupulously as to affect public statis- "tical statements."

Judge's remarks regarding one feature of the operations in this department subjoined.

Appeals not numerous, nor reversals very frequent,

27. It seems to the Court, that the results exhibited in the tables require little more remark; the proportion of appeals instituted is not large; nor is that of reversals so considerable as to call for explanation.

* Vide 6th para. of this Report.

At the same time, the Court desire to place on record the Judge's views respecting the duties of an appellate Court in this country, and his explanation of the causes which have led to the discrepancy, observable in the issue of appeals tried by him and the Principal Sudder Ameen, respectively. "There is one very remarkable feature in this exhibit. Out of "20 appeals, heard by the Judge from the decisions of Moulvee Mohu- "mud Hussun Khan, the orders were confirmed in 19 and reversed in "1; whilst out of 45 appeals from the decisions of the same officer, heard "by the Principal Sudder Ameen, the orders in 23 were confirmed and "in 22 were reversed. I am sorry to observe this extraordinary dis- "crepancy, which extends indeed to other parts of this statement, as it "seems to imply either a facility of confirmation on the one hand, or a "disposition to reversal on the other. The result of the Moonsiff's "appeals is similar: out of 73 I have reversed only 15; but the Principal "Sudder Ameen has reversed 140 out of 185. As the Principal Sudder "Ameen is an officer, whose ability and experience are well known to "the Court, I am unwilling to suppose that *he* has reversed any orders "which ought to have been confirmed, and I must leave it to the Sudder "to determine whether *my* ability and experience are such as to secure "me from having confirmed orders, which ought to have been reversed. "The cause of this is probably to be found in the adoption by one func- "tionary of some principle of decision which is not admitted by the other. "Only one principle upon which I proceed seems to me at all likely to "be in this predicament: namely, that, assuming integrity on the part "of the native judicial officers, they are likely to be as good Judges *on* "*questions of fact* as Europeans can be, perhaps better; and this principle "will lead to confirmations in many doubtful cases, the orders in which "might be reversed by an officer, who rejected or disregarded it. Now, "in our Courts the misls abound with conflicting evidence, and the Judge "who hears in appeal cannot, *cæteris paribus*, distinguish truth from "falsehood so certainly as he who tries the case in the first instance. A "Moonsiff is more likely to know the characters of the litigant parties "and of their witnesses than the Zillah Judge; he frequently cross exa- "mines the witnesses himself; and I hold it to be a dangerous and "unsound practice in a Judge to reverse the orders of a subordinate func- "tionary solely because he prefers one batch of witnesses, whereas the "Moonsiff preferred the other. The duties of a Judge appear to me to "be much more difficult and complicated in India than in England. In "the latter country, a Judge generally listens to evidence in the belief "that the witness means to speak truth, and however conflicting the "depositions may be, he seeks to reconcile them by reflecting how and "where the memory of each witness might have failed him. The Indian "Judge has no such guide; he listens to evidence in the belief that "the witness does not mean to speak the truth. The question with him "is not, whether any one assertion is proved or not, but which of two "proved assertions is the true one; and if he were to recognize the "principle of European Jurists that all evidence must be assumed to be "true, he would find it quite impossible to act upon it. In such a state "of things, I think it will be admitted that the opinion of a Moonsiff "*upon a question of fact* is at least as good as that of the Judge who "hears the case in appeal. This consideration may not have the same "weight with the Principal Sudder Ameen, which it has with me; and "I am unable to suggest any other explanation of the circumstance "noticed at the commencement of this paragraph."

but the Judge's views as to the duties of appellate Court in this country subjoined.

Various subjects of general interest are discussed in the Judge's report, of which one, viz the present rules for prosecution of forgery and perjury has already formed the subject of correspondence with Government; result encouraging.

28. In the remaining paragraphs of the Judge's report are discussed various subjects of general interest and importance, which cannot be allowed to pass unnoticed in this place. Respecting one of them, the present rules, namely, for investigating and committing cases of forgery, originating in the Civil Courts, the Court have already been in communication* with the Government, and they are encouraged to hope from the concurrence which His Honor has expressed in their opinion, that the enactments on this subject may be ere long revised, and one comprehensive law passed, by which the Judge, still *alone* retaining the power of originating a prosecution in the cases contemplated, should be enabled to avail himself of the means possessed by the Magistrate for the apprehension of suspected offenders and the investigation of the charge. The object of the law, as it regards perjury, is to remove the objections of the people, generally, to give evidence in the Civil Courts for fear of being prosecuted by the party whose interests might be endamaged by their testimony; and the practice, required by the Court's Circular Order of March, 1846, has an analogous object in view, viz. to prevent the adjudication of questions of Civil right being transferred from the Civil to the Criminal Courts, by means of a Criminal prosecution laid by the party, to whose interests the documents, exhibited in Court, might be prejudicial. Both these objects, it is obvious, would be obtained by a law framed on the principle above described, which should allow to the Judge the option of investigating the case, or of making it over to the Magistrate, and the prosecution of forgery and perjury would at the same time be greatly facilitated.

The 24th para of Judge's report, which contains a correct construction of Act XX. of 1841, is subjoined for information.

29. As the 24th paragraph of the Judge's letter contains a correct construction of Act XX. of 1841, by which the Court have been guided in their practice, and as some difference of opinion in regard to it would seem to prevail, the Court extract below the substantial part of the paragraph in question. The terms of section 1, have "been understood "to require that all heirs should take out certificates before they could "legally proceed in Court; and the consequence was that numerous "claimants were nonsuited, and numerous applications were filed for "certificates. But I see nothing in the section quoted, which warrants "this interpretation. It seems to me, on the contrary, to mean, that all "heirs may sue in Court as usual; and that if a dispute on the fact of "heirship arise, the party claiming, as heir, shall produce a certificate: "although *even then* the Judge may dispense with the certificate if, "under the law, he shall see fit so to do. There is nothing new in this, "though the phrascology of the Act prepares us for a novelty; it has "always been the practice of the Courts to require parties to prove "heirship, in disputed cases, and no more is required now."

The Court still adhere to their own view in regard to the incompetency of Moonsiffs to hear cases under section 30, Regulation II. of 1819,

30. The Courts of Sudder Dewanny Adawlut concurrently ruled by their Circular Order, No. 67, dated 8th October, 1844, that, though claims to the *proprietary right in* and *possession of* land held exempt from the payment of revenue were legally cognizable by Moonsiffs under the terms of section 8, Act VI. of 1843, provided the restrictions as to local jurisdiction and value of property, mentioned in clauses 1, 2 and 3, section 5, Regulation V. of 1831, were not transgressed, yet claims

* Vide my letter, No. 534, dated 15th April, 1847.
Your reply, No. 2002, dated 17th May, 1847.

preferred to the *revenue of lakhiraj* land under section 30, Regulation II. of 1819, remained unaffected by Act VI. of 1843, and were, as before, beyond the competency of a Moonsiff to determine. The Judge contends in paragraph 26, with reference to this point, that the law, however suitable while the country was filled with *mauffee* holdings uncertain in number and extent, is now practically obsolete in the North Western Provinces, where every case of the kind has been already investigated, and he expresses his conviction that a "reconsideration of the "subject will conduct the Court to a conclusion different from that at "which they arrived on 8th October, 1844." With every respect for the Judge's opinion, the Court still maintain, that the grounds on which that "conclusion" was based, as detailed in the subjoined note recorded by the Register of the Calcutta Court, are untouched by his arguments, and admit of no departure from the rule established by the Circular to which objection is made. "A Circular was yesterday "ordered to be issued which, while it recognized the competency of the "Moonsiffs under section 7, Act VI. of 1843, to receive and try suits "under section 30, Regulation II. 1819, directed the Judges not to "refer such suits to the Sudder Ameens, to whom the power of trying "them had not, apparently by an omission, been as yet extended.

and subjoin a note, explanatory of the law, as it touches this point.

"2nd. At the same time, an addition was proposed to be made to "the draft of Act forwarded by the Western Court with their letter No. "818 of the 29th ultimo, with the view of empowering the Judges to refer "such suits to the Sudder Ameens.

"3rd. I beg to submit the following remarks for the consideration of "the Court, before either of these measures be adopted.

"4th. On reference to clause 2, section 15, and clause 1, section "18, Regulation V. 1831, it will be seen that the terms of those enact-"ments are very general, and might have been considered as authoriz-"ing the reference to the Principal Sudder Ameens and Sudder Ameens "of suits of any description whatever, with the exception of those "specified in the clauses themselves.

"5th. The printed Circular No. 95 of Vol. II., however, distinctly "declares that suits under section 30, Regulation II. 1819, are not, for "reasons therein stated, referrible to the Principal Sudder Ameens and "Sudder Ameens. Moonsiffs are also mentioned in this Circular; but "though a wrong practice might have occasioned the necessity for men-"tioning them, the allusion to them was scarcely necessary *in a legal* "*point of view*, as, under clause 3, section 5, Regulation V. 1831, they "were clearly incompetent to try questions connected with claims to "hold lands as *lakhiraj*. This Circular is dated 30th August, 1833, or "nearly two years after the date of Regulation V. 1831.

"6th. The legislature has in effect admitted the correctness of the "Circular's construction of the law by the enactment of section 3, Act "XXV. 1837, by which suits under section 30, Regulation II. 1819, are "made referrible to the Principal Sudder Ameens, clearly implying that "they were not so referrible before.

"7th. As no similar provision has been enacted with reference to "the Courts of the Sudder Ameens, it is evident that suits under the "provision cited cannot be referred to them.

"8th. The question, as it affects the Courts of the Moonsiffs, remains "to be considered.

"9th. Taking the rules of clause 1, section 18, clause 2, section 15, "clauses 1, 2 and 3, section 5, Regulation V. 1831, and of section 8, Act

"VI. 1843, together, I submit that under those enactments considered "alone and independent of any others bearing upon the subject of the "jurisdiction of the uncovenanted Judges, the powers of the three classes "of Judges, in regard to the description of cases they are empowered "to try, are precisely the same. The rules of Regulation V. 1831 in "regard to the Courts of the Principal Sudder Ameen and Sudder Ameen "were general. In regard to Moonsiffs they prescribed certain excep- "tions. The exceptions have been superseded by section 8, Act VI. 1843, "and hence the three classes of Courts are, in this respect, placed on the "same footing.

"10th. If then the reasoning of the Circular of the 30th August, "1833, be correct, and if it required a special law to authorize the refer- "ence to the Principal Sudder Ameen of suits under section 30, Regulation "II. 1819, I would further submit, that a special law alone can sanction "the reference of these cases to the Moonsiffs, and that the rule of sec- "tion 8, Act VI. 1843 is insufficient for that purpose.

"11th. The reasoning of the Circular is based upon the special pro- "visions of section 30, Regulation II. of 1819: It declares that no other "power than the Judge (now also the Principal Sudder Ameen by spe- "cial enactment) can refer a case to the Collector. No such power of "reference being given to the Moonsiff, it follows that he cannot receive "and try a case of this nature.

"12th. With advertence to the foregoing observations,* I request the "permission of the Court to issue a Circular, as below, to the Zillah "Judges, and to suggest a reference on the subject of this note to the "Western Courts. The recommendation to the Government, for any "legislative provision on the subject, may for the present be postponed."

With reference to 27th paragraph of Judge's report, and to certain decisions of this Court, the Court desire to declare that the auction purchaser of rights and interests at an auction sale, cannot recover the purchase money from decree-holder.

31. A point of very great importance is touched upon in the 27th paragraph of the Judge's letter, and a judicial precedent of this Court is cited in support of the doctrine, that in no case whatever is the auction purchaser of rights and interests at a sale in execution of decree entitled to recover the purchase money from the decree-holder, to whom it may have been paid. A late printed decision† of this Court maintains the same doctrine, and the two judgments, taken together, go to the extent of declaring, that, even when the party, whose interests may have been sold, is pronounced by a judicial order to possess no interest whatever in the property, the auction purchaser has no claim to recover the amount of his purchase money from the decree-holder; and this on the principle of English law, which throws the responsibility on the purchaser in the term *caveat emptor*, and which recognizes the rule that has guided these decisions, viz. that if the intending purchaser is not satisfied with the title possessed by the party whose rights he is about to purchase, he is at liberty to abstain from the speculation altogether. The Court, being satisfied that the practice of the lower Courts in respect to claims of this description has not been and is not uniform, are anxious to put an end to this diversity by an authoritative declaration of the principle which should guide their judgment; but they are compelled, before taking this

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* Dated 20th ultimo, No. 14.

† *Vide* No. 1, for January, 1847 of Decisions S. D. A., N. W. P., page 16.
Ramsuhae, decree-holder, (Defendant), Appellant,

versus

Mohumud Omur and others, auction purchasers (Plaintiffs) Respondents.

step, to deliberate, with reference to a decision* of the Sudder Dewanny Adawlut in Calcutta, which recognizes a doctrine, diametrically opposed to that which has been judicially held by this Court to be correct; nevertheless, the question is of too great importance and of too frequent recurrence to be relinquished, and the Court hope, either in one way or the other, to secure consistent practice.

but are deterred by a decision of Calcutta Court of Sudder Dewanny Adawlut, which recognizes an opposite doctrine.

32. The Judge, induced to revive the subject of Act V. of 1840 by the observations contained in the 48th paragraph of the Court's Report for 1845, on its operation, has recorded the results of his experience in the 31st—34th paras. of his letter, which follow: "In the 30th and in the "48th paragraphs of their Report on the Civil administration of 1845, the "Court have revived the discussion, which arose on the promulgation of "Act V. of 1840, and which has been allowed to die away. For some "years after my appointment to the judicial office, I annually availed my-"self of the opportunity afforded me at the time of submitting the gene-"ral report, to remonstrate against this pernicious enactment; but when "I saw year after year pass by without the indication of any intention on "the part of Government to amend the law, and found that my weak "voice was faintly supported by the Sudder, I desisted from complaining "of an evil which no one thought it worth while to remove, and I "remained reluctantly silent. It is therefore with great satisfaction and "with some hope, that I observe the notice which the Court have once "more bestowed upon the subject, albeit the adverse opinion of Mr. Tier-"ney, the Judge of Allygurh, has been simultaneously brought before the "public. What data can be adduced in Allygurh in support of Mr. "Tierney's opinion, that the formula now in use is more efficient in eli-"citing truth than oaths taken on the Koran, or on the Ganges water, "it must be difficult for any Judge to conceive; still more difficult for "one who observed some of the most lamentable effects of the law in "this very district. If the Court will turn to my report on the Civil "administration of Allygurh for 1841 (a report little worth the perusal, but "which they were pleased to term "full and interesting" though I had "not had the advantage of passing a single day of that year in the dis-"trict) if, I say, the Court will turn to that report, they will find an "account of a scene which occurred in the Sessions Court—a scene which "can be fitly characterized only by the word *ludicrous*,—a scene which, had "the present Judge then presided, would have gone far to shake his "opinion in favor of Act V. of 1840.

The Judge's opinion, as to the operation of Act V. of 1840, subjoined.

"On that occasion an old woman was examined without any oath, "because she could not be brought to repeat the form of words prescribed "by the law, and the garrulous comments which she made upon every "attempt to explain what was required of her, disturbed the gravity of "every one present. Such scenes are of daily occurrence. Persons "equally impracticable with the old woman of Allygurh may not be met "with every day; but not a trial takes place in any Sessions Court, in "the course of which the unfitness of the legal substitute for an oath is "not brought glaringly to the notice of the presiding officer.

"Let us refer to facts; these are easily dealt with, and are the only "data upon which we can safely reason. The majority of the peasants, "who have not been previously familiarized with the Indo-British attes-"tation, mistake the word 'ikrar' for 'tukrar' or some other similar "sound, and pursue the sentence thus: 'In the name of Almighty God, "tukrar kurta hon,' instead of '*ikrar* kurta hon;' and no power will "prevent them from adding to the promise of speaking truly the incre-"dible and supererogatory assurance, that they are 'incapable of telling a

* *Vide* printed Decisions, according to Act XII. of 1843, page 216 for June, 1846.

"lie.' Nor does the difficulty end here. As soon as the illiterate wit-
"ness, for to these only do I allude, has accomplished the repetition of
"the words after the Nazir, he looks round to see what comes next,
"what fresh novelty is about to present itself, and it is not until he has
"been distinctly informed of the fact by the Nazir, that he becomes aware
"that he has taken an oath. 'That's an oath,' adds the Nazir, to pre-
"vent mistakes, as soon as the formula has been concluded, and the wit-
"ness, admitting the fact, proceeds to give his deposition. These are
"things which pass before me every day; there are many other occur-
"rences of a similar kind; and I would fain know how such scenes are
"calculated to *impress on the native mind a proper sense of the Majesty*
"*of the Deity*.

"It were well if the evil stopped here—well, if after going through
"buffooneries, which it is difficult to describe in official language, the
"witness felt himself as much bound to speak the truth as if he had been
"sworn on the Koran, or the Ganges water. It would be equally hard
"to prove the affirmative or the negative of this proposition: we must
"rely upon the experience of many persons during many years; and
"amongst the several grounds, upon which opinion may be ultimately
"formed, I will mention one circumstance which has frequently occur-
"red to me, and which has ever struck me as a strong argument against
"Regulation V. of 1840. Witnesses asseverating facts, or maintaining
"their own veracity, have very frequently exclaimed, 'if you were to put
"the Ganges water into my hands, I should say the same thing.' Does
"this require comment? does it not *prove* that we have abandoned that
"which bound the conscience *more*, and adopted that which binds it
"less? Would that any arguments of mine could draw the attention of
"Government to this most important subject, and induce them to retrace
"their steps ere the natives of the country have lost all respect for *any*
"form of oath whatever! It would be far better to avail ourselves of
"their superstitions for good purposes *at present*, and when moral edu-
"cation *has* impressed on the native mind a proper sense of the Majesty
"of the Deity, it will then be ample time to venture upon the introduc-
"tion of such pious and dangerous innovations." The Court have so frequently expressed a corresponding opinion, that they need only add their concurrence in all that is advanced in the foregoing extract, and their conviction, that the testimony of the Principal Sudder Ameens and other native judicial officers, if they be consulted in accordance with the suggestion thrown out by the Government in your letter No. 960, dated 26th February last, will tend to establish the inefficacy of the declaration, now in use, to bind the conscience and secure truthful evidence. The Circular Order,* which the Court propose to issue, inviting the opinions of the native Principal Sudder Ameens on this subject, is still with the Government, (19th May.)†

The Court concur in the above,

and expect to receive a like opinion from Principal Sudder Ameens.

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* *Vide* my letter No. 368, dated 16th March, 1847.

† NOTE.—Since these remarks were written, the orders of Government have been received and the Circular Order has been issued.

ZILLAH BAREILLY.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pendg. at the end of each yr.	10 Cases pendg. beyond 1 yr.	11 Value of original suits, and appeals pending on 31st December.
1845, ...	2039	7523	522	10084	504	4230	705	7945	2700	8	372733
1846, ...	2700	7295	1356	11351	1310	4914 *	1054	1266	2807	18	441219
Increase, ...	661	0	834	1267	806	684	349	0	107	10	68486
Decrease.....	0	228	0	0	0	0	0	679	0	0	0

* Of which *Ex parte*, .. 1154
Confession of judgment, 1234
2388
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 184 *Days*.
Session & Criminal Sittings, .. 0 ,,
‡ 7 to S. D. A.

Names and designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	Average of appeals instituted to suits decided.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge, Messrs. H. H. Thomas and J. Lean, Orgls.,	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appls.,	179	537	2	718	329	136	3	15	235	7	79166	0	0	8	2	6	0	0	5·19
PSA. Mr. J. P. Ledlie, .. Orgls.,	40	81	15	136	0	70	12	4	50	4	148211	29	52						
Appls.,	295	0	331	536	1	269	54	1	211	6	20918	0	0	‡36	23	16	2	1	8·78
SA. Khan Buhadoor Khan, Bareilly, ...	151	235	32	418	13	222	34	27	122	0									
SA. Gholam Gouse Khan, Pillibheet, ...	143	468	8	619	0	324	91	97	107	0	81361	121	582	95	29	37	7	1	11·94
Moonsiffs.																			
Amanut Hoosein, Bareilly,	517	716	11	1244	274	516	110	167	177	0				77	15	62	7	0	9·7
Mohd. Hoosein, Suburbs,	248	692	189	1129	55	589	67	116	302	0				48	7	38	10	11	6·21
Molvee Ubdoollah, Budaon,	372	1111	6	1489	256	755	154	217	107	0				80	10	24	10	1	7·1
Mohd. Wuzeer Ooddeen, Oojhanee, ...	270	395	313	978	175	459	59	132	163	0				28	6	16	5	2	4·37
Pdt. Hurnath, Beesulpore.	229	491	130	850	31	331	281	121	86	0				38	16	38	7	7	5·18
Moulvee Abdoollah & Momin Alee, Shajehanpore,	346	821	5	1172	169	468	77	222	236	0	111563	971	4999	64	22	51	12	1	8·34
Mohd. Rehmutoollah, Suheswan, ...	0	544	42	586	1	284	23	13	265	0				40	1	0	0	0	12·5
Serajoodden, Islamnuggur,	0	443	0	443	4	217	20	26	176	0				32	0	0	0	0	12·16
Nizamooddeen, Pawaine,..	0	263	19	282	0	77	12	35	158	1				4	0	0	0	0	3·22
Mohd Abdool Juleel, Tilhur,	0	286	179	465	0	130	47	53	235	0				4	0	0	0	0	1·73
Mohd. Keramutoollah Suleympore, ...	0	212	73	285	1	67	10	30	177	0				0	0	0	0	0	0
Total, ..	2700	7295	1356	11351	1310	4914	1054	1266	2807	18	441219	1121	5633	554	131	288	60	14	7·65

31·26 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headgs. nos 1 to 21	111	254	28	393	18	253	26	0	96	1
,, Ditto ,, 22 to 25	28	4269	0	4297	0	4238	0	0	59	0
P. S. A. Do. nos 1 to 21	83	232	1	316	0	212	33	0	71	1
,, Ditto ,, 22 to 25	0	1186	0	1186	0	1181	0	0	5	0
2 Sudder Ameens, ..	168	719	11	898	0	454	208	0	236	0
11 Moonsiffs, ...	1269	4631	447	6347	130	2694	2119	0	1104	0
Total,...	1659	11291	487	13437	448	9032	2386	0	1571	2

No. 4.

Statement of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Bareilly, ..	2280	0	0	2926	10	0
Moonsiff Suburbs, ..	2208	9	2	2999	12	0
Moonsiff Beesulpore,	1735	0	0	2341	14	0
Moonsiff Shajehanpore,	2137	2	4	4060	2	0
Moonsiff Budaon, ..	1658	9	2	3803	0	0
Moonsiff Oojhanee, ..	1680	0	0	1458	4	0
Moonsiff Islamnuggur,	980	0	0	1141	6	0
Moonsiff Suheawan, ..	980	0	0	1613	11	0
Moonsiff Pawaine, ..	560	0	0	1320	10	0
Moonsiff Tilhur, ..	560	0	0	1282	4	0
Moonsiff Suleympore,	560	0	0	778	8	0
Total, ..	15339	4	4	23386	14	0

Transfer of Moonsiffees from Mooradabad, creation of new Moonsiffees, and other internal changes of jurisdiction render a comparative analysis of the statements needless.

33. Since the submission of the Court's last Report, the jurisdiction of the Bareilly Judgeship and the business devolving upon the officer presiding there, have been increased by the transfer of the Islamnugger and Saheswan Moonsiffees from Mooradabad, and the creation of three new tribunals of the same description at Powayne and Tilhur in Shahjehanpoor, and at Saleympoor in the Budaon district. These arrangements were carried into effect on the 1st June as regards the two first Courts, and in September as regards the three latter; so that any comparison of the returns for the past year with those for 1845 must lead to somewhat fallacious conclusions, and this, owing not only to the circumstances just mentioned, but to internal changes of jurisdiction, the consequent receipt and transfer of pending suits to and from the several tribunals, the delay contingent on the necessary issue of notices to parties, and the completion of other subsidiary arrangements. The course of official labor has thus been interrupted, not without inconvenience, it is to be presumed, to suitors, but without any material injury either to them or to the administration, and it is not likely again to be disturbed by the same causes. The jurisdictions of the lower Courts have been judiciously arranged, after careful enquiry and consideration, and it is expected, that the Civil business will in future be equally distributed and promptly dispatched. But, while the Court admit that the subordinate judicial establishment has been thus placed on a judicious footing, and proper steps taken for its efficient working, they would invite the attention of Government, to the large number of appeals that were pending at the end of the year in the Courts of the Judge and Principal Sudder Ameen, and to the expediency, (if it be not a necessity) of the services of a second Judge being rendered permanently available, and at the same time more efficient, than they can be under the present arrangement, by the assignment of a sufficient allowance for a ministerial establishment; the Court, in referring to the correspondence* which has passed on this subject, would be glad to know whether the proposal has been rejected, or abandoned, or whether there is still a hope of its being, though at a distant period, carried into execution. It should be added, with reference to the arrear noticed, that the Judge's bench was unoccupied during the last three months of the year, and that all the regular cases, of longer standing than a twelve month, had, nevertheless, been all disposed of before the end of April last.

Though internal jurisdictions have been well arranged, the Court still consider the permanent appointment of another Judge in this jurisdiction requisite,

and refer to past correspondence on the subject.

A large proportion of miscellaneous cases have been struck off in Moonsiffs' Courts, in regard to which Judge's remarks are subjoined:

34. One remarkable feature in the result of the past year's operations is the large proportion of miscellaneous cases, struck off on default in the Moonsiffs' Courts, and the 3rd paragraph of Mr. Thomas' report is subjoined, as containing some pertinent remarks on the subject. "3rd. The Courts have collectively disposed of a good deal of miscella-"neous business, and the pending number of cases is not such as to call "for animadversion. But the vast proportion, which comes under the "head of 'struck off on default' and which falls little short of half of "the business performed by the Moonsiffs, does require some comment. "I beg to refer you to the 12th paragraph of my last year's report, in "which this subject has been noticed in regard to the Moonsiffs of Bu-"daon and Oojhanee, then prominently conspicuous. This year, how-"ever, I find no less than 6 Moonsiffs (the 2nd Moonsiff of Budaon "having been transferred from Oojhanee) following the like fashion of

My letter, No. 361, dated 3rd March, 1846.
Your reply, No. 1398, dated 2nd April.
My letter, No. 567, dated 14th April.
Your reply, No. 1843, dated 5th May.
My letter, No. 1744, dated 1st December.

"clearing their files; and below* I give the result of their per-
"formances. On a former occasion I could not ascertain that the
"Moonsiffs had been irregular in their proceedings, neither have I
"reason to believe that such is the case now: but this sweeping des-
"patch in executing or rather getting rid of decrees of Court has an air
"of very sharp and questionable practice, and it would be satisfactory to
"discover, by comparison with the miscellaneous statements of other
"large districts, whether it be peculiar to the Moonsiffs of Bareilly. But,
"even supposing this to be the case, these functionaries could not, there-
"fore, be charged with a harsh application of the rule; for it still may be,
"that litigant parties, having arranged matters among themselves, neg-
"lected to pursue them further through the Courts, and tacitly suffered
"their cases to be struck off the file. Nevertheless, it is remarkable that
"the 'default' in question should prevail to such an extent in the Courts
"of the Moonsiffs, and in some more than in others, whilst in the Courts
"of the Principal Sudder Ameen and two Sudder Ameens the number of
"decrees disposed of, 'by an order passed on the merits' should greatly
"predominate." The result noticed is certainly "not peculiar" to the district of Bareilly: it will be found equally observable, or nearly so, in Seharunpoor, Meeruth, Agra, and Bundelkhund, and may therefore be supposed to proceed from the system in operation, rather than from irregular or questionable practice on the part of the Moonsiffs of Bareilly: the subject, however, has been well nigh exhausted in former Reports, and the Courts have nothing to add to what has been, in one shape or another, already recorded.

the result is not peculiar to Bareilly, and proceeds from the nature of the system,

which has been before discussed.

35. In reference to the proportion of appeals instituted, to decisions passed, and to the issue of such as went to trial, the Court think it sufficient to remark, that a large proportion were heard by the Principal Sudder Ameen, and that the reversals of the Moonsiff's decisions, both in his Court and the Judge's, averaged 25 per cent. The similarity of results is satisfactory.

The issue of appeals has been much the same in Judge's and Principal Sudder Ameen's Courts.

36. The 19th paragraph of the Judge's report, which contains "a few last words" on the subject of the remuneration of the Moonsiffs, and their amlah is subjoined. "Though I do not intend to swell this report "with much additional matter, yet I may be pardoned for recording a few "last words, particularly with regard to that laborious and ill-paid class "of functionaries, the Moonsiffs. If the Government be not prepared "to raise their salaries, at all events they should furnish them with the "means of entertaining a better set of amlah, than they can at present "afford to pay. What sort of a serishtadar can be procured on 8 rupees, "or a mohurrir on 5 rupees, a month? yet such are the wages of men "expected to read and write good vernacular in the Persian character! "It stands to reason, not only that such amlah must too generally per-"plex and hinder the Moonsiffs by their blundering ignorance, but "that they will avail themselves of their situation, to make amends "for their poor pittances with such pickings and perquisites as tact "or opportunity shall enable them to secure. The Moonsiffs more-"over appear entitled to the consideration of Government in another "respect; they should be provided with suitable buildings for holding their "Courts and keeping their records. They cannot afford to pay for such "buildings, even supposing they could procure them, which they fre-"quently cannot. But the Moonsiffs are now forced to pay rent for the "poor accommodation they can obtain for themselves and amlah, which

The Judge's remarks on the remuneration of Moonsiffs and their amlah subjoined.

* By an order on merits,.... 1178.
Struck off on default, ... 2069.

"is in general ill adapted for the purpose. Now to make them respon-
"sible for the selection of a building, which is often attended with the
"greatest difficulty, and to make them pay for it to boot, does not appear
"to me just. I do not forget that, some time past, the Government
"offered to purchase buildings occupied by Moonsiffs, at 75 rupees each,
"or something to that effect; but such buildings are not to be purchased
"for 75 rupees, and I suspect the said offer has been generally neglected.
"I know not whether Tehseeldars are required to find their own Kutch-
"erries; but they could well afford to pay for them with their hand-
"some salaries. I believe the Tehseeldars generally take possession of
"dismantled forts and other massive structures of past ages, for which
"I presume they do not pay rent. Happy the Moonsiff, who may find
"such an edifice ready to his hand, for he may there get free quarters
"and abundant room for himself and followers; nor would he be niggard
"of a small outlay to render them habitable! Numerous remains of old
"buildings are to be found in various parts of the country, which may
"be converted into Courts for the Moonsiffs, or the materials of which
"may be turned to good account in their construction. I had nearly
"forgotten one officer attached to the Moonsiff's Court, who certainly
"may be pronounced fortunate: that officer is the Nazir, whose monthly
"share of Tullubana sometimes amounts to more than 80 rupees; whilst
"the poor serishtadar, without hopes of any favorable fluctuations in his
"allowances, must endeavor to make both ends meet with his untoward
"8 rupees." This subject too has been exhausted, and calls for no fur-
ther remarks from the Court.

Correspondence on the subject of the payment of Tullubana by persons wishing to sue *in formâ pauperis*, is printed in Appendix.

37. A correspondence,* which passed on a reference from the Principal Sudder Ameen of this district, as to the propriety or otherwise of requiring a person, desirous of suing *in formâ pauperis*, to pay the Tullubana of the peon deputed to serve notice on the adverse party under the provisions of clause 6, section 5, Regulation XXVIII. of 1814, is printed in the Appendix (B) as containing the Court's opinion on a point, which must frequently arise and may be differently understood in other districts, as in that of Bareilly.

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* From Judge with English enclosure, No. 28, dated 14th May, 1846.
My reply, No. 876, dated 8th June, 1846.

ZILLAH AGRA.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	545	2755	31	3331	15	1839	244	597	636	3	114166
1846, ...	699	2754	178	3631	132	1916 *	244	589	750	2	124685
Increase, ..	154	0	147	300	117	77	0	0	114	0	10519
Decrease, ..	0	1	0	0	0	0	0	8	0	1	0

* Of which *Ex parte*, .. 323
Confession of judgment, 614
— 937
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 129 *days*.
Session and Criminal Sittings, 102 ,,
‡ 1 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge Mr. J. S. Boldero, .. Orgls	0	0	49	49	49	0	0	0	0	0	0	0	0	1	0	1	0	0	0
Appls	34	164	29	227	38	160	0	4	25	0	33580	0	0	3	3	0	0	0	1·82
PSA. Mivee Kurreemoola Khan, Orgls	18	154	15	187	1	128	11	27	25	1	35536	31	123	‡48	9	24	0	2	28 23
Appls	0	0	37	37	0	9	0	0	28	0	6912	0	0						
S. A. Moulvee Kureem Kooli, Muttra, ..	170	287	2	409	0	196	15	114	0	0	6959	5	25	54	10	35	0	0	10 62
Ukber Ali Khan, ditto, *Moonsiffs.*	0	249	3	252	2	106	0	77	151	0									
Mr. J. P Lyons, Agra,	246	736	3	985	4	439	63	176	303	1				38	10	32	0	1	5·6
Sd. Ahmd. Khan Futehpoor	56	43	0	99	0	19	4	1	0	0				1	2	1	0	0	4·16
Mirza Mohd. Ali Beg ditto,	0	264	0	264	2	196	51	60	27	0				7	0	5	0	1	2·09
Syed Abas Ali, Bah, ..	39	0	0	39	0	0	0	0	0	0									
Sheodial, offg. ditto, ..	0	62	0	62	0	49	0	12	0	0	41698	279	2127	17	4	18	0	0	6·99
Syed Abas Ali, ditto, ..	0	170	0	170	1	152	7	23	27	0									
Evez Ali Khan Etmadpoor	73	474	5	552	23	347	70	55	60	0				16	1	15	0	0	3 38
Shubeeooddeen, Julaiser,	34	95	34	163	0	76	15	15	57	0				11	2	3	0	0	10·37
Golam Mohiooddeen Maat	29	106	1	136	15	44	5	25	47	0				2	0	0	0	0	2·7
Total, ..	699	2754	178	3631	132	1916	224	589	750	2	124685	315	2275	198	41	134	0	4	7·25

23·42 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs nos 1 to 21	22	219	108	339	109	146	21	0	63	0
,, Ditto ,, 22 to 25	0	2579	0	2579	0	2579	0	0	0	0
1 P.S.A. ditto nos 1 to 21	51	277	34	362	0	192	143	0	27	0
,, Ditto ,, 22 to 25	0	724	0	724	0	724	0	0	0	0
1 Sudder Ameen, ..	188	966	0	1154	7	746	264	0	137	0
6 Moonsiffs, ...	401	3708	0	4109	69	2914	732	0	364	0
Total, ..	662	8463	142	9267	185	7331	1160	0	591	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Agra, ..	2280	0	0	2429	0	0
Do. Futehpoor, ..	1680	0	0	1361	0	0
Do Rah, ...	1680	0	0	1225	6	0
Do. Etmadpoor, ..	1680	0	0	2162	8	0
Do. Julaisur, ...	316	2	1	463	0	0
Do. Maat, ...	316	2	1	495	0	0
Total, ..	7952	4	2	8135	14	0

The increase of regular business is rather apparent, than real, arising from addition of 2 Moonsiffees to Agra jurisdiction.

38. The increase in the income of regular business, represented in the table No. 1, is rather apparent than real, being attributable to the extension of the Agra jurisdiction. The arrangement of the Moonsiffs' divisions, which formed the subject of the correspondence noted below,* was carried into effect on the re-opening of the Civil Courts after the Dussehrah vacation, and its principal feature was the transfer of the Ryah and Julaisur Moonsiffees from the jurisdiction of the Allygurh to that of the Agra Court. All the suits, awaiting decision in those Moonsiffees at the time of transfer, which originated within the limits of their revised jurisdictions, were retained on their files, and the inclusion of these in the general returns of the Agra district is the cause of the fictitious increase referred to. A longer period of time must elapse before any opinion can be formed as to the effect of the new arrangements in equalizing the distribution of judicial business among the several officers engaged; but the present state of the files affords reason to apprehend, that the Moonsiff of the city may be overwhelmed with work (should the income of suits in his Court continue the same as heretofore) while the others have hardly sufficient to give them full employment. This subject should have the Judge's consideration during the current year, and be specially reported on, if requisite.

Arrears of old date were small,

39. At the close of 1846 there were but two cases instituted prior to its commencement, and these had both been remanded within the last two months, the one by order of the Sudder Dewanny Adawlut, the other by the Judge: so far as the Court are able to judge from the figured returns before them, no unnecessary delay takes place in the transaction of business, whether regular or miscellaneous, in this district, and, notwithstanding the changes of incumbency which occurred in some of the Courts, no arrear of any consequence has been suffered to accumulate. The miscellaneous work comprises the complete or partial execution of 1043 decrees, and nearly an equal number of applications for enforcement thereof were struck off without any part of the order being carried into effect.

and the business, both regular and miscellaneous, seems to be promptly disposed of.

Moonsiff of Bah has been removed to another jurisdiction for reasons stated.

40. Without detailing the changes of incumbency above incidentally referred to, it may not be out of place to mention, that, with reference to collisions, which had previously taken place between Syud Abass Alee, the Moonsiff of Bah Pinahut and the Magistrate of Agra, as well as to the charges of bribery and corruption (vide para. 54 last report) which had been preferred against him, the Court judged it prudent, on opportunity offering, to remove the functionary in question to Moorada-bad, where his conduct will be carefully observed and his real character ascertained.

Court see no special ground for entertaining Judge's application for increase of establishment.

41. The Judge of Agra has been informed, with reference to the 26th paragraph of his report in which he applies for an increase to his establishment, that there is no ground for a special application to Government on the subject, as the establishments both of the English and the Native office are found to be of equal strength, and to entail equal expense with those, sanctioned by Government in the neighboring districts of Allygurh and Mynpooree. The adjustment of the records is declared, with a trifling exception, to have been completed.

No other subject requiring notice.

42. The Court are not aware, that there is any other incident, connected with the administration of Civil justice in the Agra district during the past year, which calls for special remark.

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* My letter, No. 921, dated 20th June, 1846.
Your reply, No. 2843, dated 11th July.
My letter, No. 1221, dated 18th August.
Your reply, No. 373, dated 1st September.

ZILLAH FURRUCKABAD.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	554	4258	302	5114	333	2592	301	1014	874	0	90674
1846, ...	874	3402	234	4510	249	2660 *	366	698	537	1	114731
Increase, ..	320	0	0	0	0	68	65	0	0	1	24057
Decrease...	0	856	68	604	84	0	0	316	337	0	0

* Of which *Ex parte*, .. 452
Confession of judgment, 896
—— 1348
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

+ Civil Sittings, 134 *days*.
Session and Criminal Sittings, .. 111 „
‡ 5 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
+ Judge Mr. W. H. Tyler, .. Orgls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
+ Judge Mr. W. H. Tyler, .. Appls	72	268	2	332	50	225	7	6	44	0	18578	0	0	2	2	0	0	0	·84
PSA. Mr. J. Mercer, .. Orgls	65	138	87	290	2	189	12	27	60	0	68659	34	104	‡66	41	45	1	5	20·56
PSA. Mr. J. Mercer, .. Appls	43	1	50	94	0	85	5	3	1	0	32	0	0						
S. A., .. None,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs.																			
Mohd. Ukber Ally Khan and Mohd. Hussun, 1st Furruckadad, ...	125	594	45	764	38	440	67	153	66	0				52	36	28	6	2	7·87
Sheikh Momin Ally, Raj Koomar and Hyder Ally Khan, 2nd ditto, ..	149	687	9	845	125	428	71	138	91	0				67	25	36	1	1	10·65
Hyder Ally Khan and Raj Koomar, Doondwara, ..	56	436	3	495	1	325	49	33	87	0	27462	423	2582	14	2	18	0	1	3·43
KasimAliKhan, Kaemgunj,	81	400	3	484	8	305	47	77	47	0				16	3	10	2	0	3·72
SheikElahebux, Chibramow	148	480	10	638	23	337	63	159	56	0				17	17	16	0	0	3·22
Ganput Roy, Kunouj, ..	135	408	25	568	2	329	45	107	81	1				33	13	28	2	0	6·86
Total, ..	874	3402	234	4510	249	2660	366	698	537	1	114731	457	2686	267	139	178	12	9	7·16

43·84 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, heads. nos 1 to 21	30	349	6	385	123	205	33	0	24	0
Ditto „ 22 to 25	69	6922	0	6991	0	6938	0	0	53	0
1 P.S.A. ditto „ 1 to 21	118	458	97	673	0	411	175	0	87	0
„ Ditto „ 22 to 25	2	984	0	986	0	966	0	0	20	0
Sudder Ameen, ..	0	0	0	0	0	0	0	0	0	0
6 Moonsiffs, .. (None),	477	5298	61	5836	55	4469	850	0	462	0
Total, ..	696	14011	164	14871	178	12989	1058	0	646	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amnt. reald. by sale of stamps.		
1 Moon. Furuckabad,	1823	5	2	2077	10	0
2 Ditto ditto,	1678	4	4	2641	4	0
Ditto Doondwara,	1675	1	7½	1606	8	0
Ditto Kaemgunj,	1680	0	0	1713	2	0
Ditto Chibramow,	1469	6	0	1519	6	0
Ditto Kunouj, ..	1680	0	0	1609	10	0
Total, ..	10006	1	1½	11167	1	0

The decrease of business is traceable to Circular Order, dated 28th February, 1846,

43. The falling off in the number of suits, instituted during the past year in the several Courts of this district, is as remarkable as the sudden increase which took place in 1845; for the latter the Court, in the 57th paragraph of their Report, expressed their inability to account, but the former is clearly traceable in part to the operation of the Court's Circular Order, No. 272, dated 23rd January, 1846, which has been more than once referred to in these pages, as having checked fictitious and dishonest litigation by a stringent construction of the law, which provides for the reimbursement of the plaintiff in the amount of stamp duty, levied on the plaint, in cases amicably adjusted at a certain stage of the proceedings, while the number of decisions passed on the merits was, notwithstanding the falling off in the income of suits, larger in the past than in the preceding year; the number of those adjusted or withdrawn was smaller by 316 in the former than it was in the latter, and the amount of this reduction may, the Court think, be regarded as just equivalent to the amount of dishonest litigation that has been excluded from the Courts by the instructions mentioned.

as shewn by an increase in the No. of decisions on merits, and a reduction in that of adjustments.

In Furruckabad only is Regulation VI. of 1832, applied to the trial of Civil suits and appeals.

44. This seems to be the only district, in which the provisions of Regulation VI. of 1832 are applied, except in a decree almost nominal, to the trial of Civil suits and appeals: 107 cases are reported to have been brought to decision in concert with the agency which that regulation permits, and a favorable opinion of their ability to judge, and their disposition to judge rightly and impartially, may perhaps be denied from the fact of the Judge having differed from them in 6 of those cases only.

Activity in executing decrees is not followed by much success in the settlement of claims.

45. There is no want of *activity* in carrying out decrees to execution in this district, but, judging from the results which are exhibited below,* there is a great want of success in enforcing the settlement of adjudicated claims, whether this be owing to heedlessness on the part of decree-holders, or to undue precipitation on the part of the Court.

Neither statements nor Judge's remarks require further notice.

Moonsiffs' jurisdictions have been settled.

46. The Court are not aware, that the foregoing tables require further illustration, or that Mr. Tyler's report touches on any general subject, the discussion of which in this place might be useful or interesting: they will only therefore add, with reference to paragraph 61 of the report for 1845, that the readjustment of subordinate jurisdictions has been completed, as stated in the letters noted below,† and that no other incident of a nature calling for special notice occurred during the period under review.

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* Completely executed, ... 574
Partially executed, ... 1085
1659
Struck off on default, .. 981
2640

†My letter, No 803, dated 25th May, 1846, with enclosures.
Your reply, No. 2472, dated 12th June, 1846.

ZILLAH MYNPOOREE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	425	2493	193	3111	171	1618	210	625	487	4	99432
1846, ...	487	2662	242	3391	229	1824 *	274	515	551	4	80353
Increase, ...	62	169	49	280	58	206	64	0	64	0	0
Decrease, ...	0	0	0	0	0	0	0	112	0	0	19079

* Of which *Ex parte*, .. 249
Confession of judgment, 819
——1068
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 51 *days*.
Sessions & Criminal Sittings 135 ,,

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of suits*		*Result of Appeals*					
												Relating to real property	Relating to bonds, contracts, wages, &c	Appeals instituted.	reversed or modified.	Confirmed.	Dismissed	Withdrawn.	Average of appeals instituted to suits decided.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge, Mr. C. F. Thompson, .. Orgls	0	52	34	86	86	0	0	0	0	0	0	21	31	1	1	0	0	0	0
Appls	33	203	1	237	110	65	7	1	54	4	18891	0	0	0	0	0	0	0	0
P S A. Mohd. Fuzul Uzeem Khan, .. Orgls	23	27	52	102	0	55	2	10	35	0	35677	11	16	18	1	18	2	0	10·9
Appls	16	0	110	126	0	90	7	1	28	0	2156	0	0						
S. A., ... (None,)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs.																			
Lala Soondar Lal, Mynpory,	49	457	23	527	2	318	23	98	86	0				41	5	22	2	1	9·33
Enaet Hoosein, Shekoabad,	66	449	1	516	8	387	11	48	62	0				30	6	13	0	1	8·07
Lala Juggernath, Sahawur,	76	465	2	543	12	288	41	126	76	0				17	3	5	2	0	3·73
Pundit Ruttun Lal. Etawah,	100	470	16	586	0	297	86	98	105	0	23629	367	2013	55	20	33	4	0	11 43
Mohud. Uleem Ooddeen, Phuppoond, ...	121	541	3	668	11	324	97	131	105	0				37	4	25	4	0	6·7
Total, ..	487	2662	242	3391	229	1824	274	513	551	4	80353	399	2060	205	40	116	14	2	7·85

25·64 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos. 1 to 21	20	163	15	204	48	102	15	0	39	0
,, Ditto ,, 22 to 25	2	1670	55	1732	3	1660	1	0	68	20
1 P. S. A. ditto nos 1 to 21	42	197	41	280	0	159	80	0	41	0
,, Ditto ,, 22 to 25	57	1267	3	1327	58	1266	1	0	2	0
Sudder Ameen .. None,	0	0	0	0	0	0	0	0	0	0
5 Moonsiffs, ...	250	1772	36	2064	14	1167	646	0	237	0
Total, ...	384	5069	154	5607	123	4354	743	0	387	20

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff of Mynpory.	1654	3	1	1612	6	0
Do. of Shekoabad,	1680	0	0	1465	4	0
Do. of Sahawur,..	1680	0	0	1228	0	0
Do. of Etawah,..	1680	0	0	1697	4	0
Do. of Phuppoond,	1680	0	0	1788	4	0
Total, ..	8374	3	1	7791	2	0

Report has been submitted by Mr. Unwin, who merely recapitulates contents of statements,

47. The statements from this district have been submitted with a brief report by Mr. Unwin, who was appointed to officiate as Judge on the compulsory departure of the incumbent in the office, and who, owing probably to his having personally taken no part in the conduct of the administration during the past year, has confined himself to a simple recapitulation of the details, which the statements in question represent as clearly, and more compendiously. Few, or no remarks are required to elucidate the foregoing tables; Civil sittings were held by the Judge on 51 days only, owing to his absence on leave, to his frequent illness, and to his constant occupation in the duties of the Sessions Court, to which no less than 135 days would seem to have been devoted; nevertheless, with the very small income of appeals on the one hand, and the assistance of the Principal Sudder Ameen, on the other, in disposing of them, the files of the Judge's Court were in a healthy state at the end of the year under notice. Of the regular appeals, which had been at that time pending more than a twelvemonth in his Court, two were decided early in the current year, while of the miscellaneous cases it may be sufficient to state, that they related to intestate property, and awaited expiry of the period allowed by law for the appearance of claimants.

which shew, nevertheless, satisfactory results.

Decrees executed.

48. 893 decrees were executed in all the Courts, 465 fully, and 328 by partial settlement of the adjudged claim, while 619 applications were struck off on default of decree-holders.

The arrangements regarding Moonsiffs' jurisdictions took effect on 1st November.

49. As reported for the information of Government in my letter, No. 1527, dated 30th September, 1846, the jurisdictions of the Moonsiffs' Courts were adjusted, and the revised arrangement took effect from the 1st November. Each division comprises one or more entire Tehseeldarees, and there seems every reason to expect that increased facility in the transaction of business, as well as a fair and equal distribution of labor will be the result of the measures which have been introduced.

No need of further remark.

50. No correspondence passed during 1846, which it would be useful to recapitulate, nor is there any other incident to which any allusion seems to be requisite.

ZILLAH CAWNPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ..	480	2478	220	3178	149	1797	225	382	625	13	248671
1846, ..	625	2317	354	3296	279	1842 *	258	353	564	6	214295
Increase, ..	145	0	134	118	130	45	33	0	0	0	0
Decrease, ..	0	161	0	0	0	0	0	29	61	7	34376

* Of which *Ex parte*, .. 264
Confession of judgment, 512
776
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, .. 147 *days.*
Sessions & Criminal Sittings, .. 99 ,,
‡ 11 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge, Mr. A. Speirs { Orgls	0	0	1	1	0	0	0	1	0	0	258	0	1	0	0	0	0	0	0
{ Appls	72	410	7	489	165	194	10	7	113	0	54846	0	0	2	1	1	0	0	·94
P. S. A. Khadim Hussein Khan, .. { Orgls	44	54	13	111	0	66	6	5	34	1	98344	19	35	‡59	28	21	0	2	22 26
{ Appls	52	0	168	220	0	171	15	2	32	3	5370	0	0						
S.A. Pdt. Saligram, Cawnpore *Moonsiffs.*	63	124	29	216	0	118	27	16	55	1	31771	51	73	70	22	25	1	1	43 47
Mohd. Motuqqu, Cawnpore, .	75	430	5	510	11	292	25	108	74	0				68	22	40	7	1	16·
Ubdool Hafiz Allee Khan, Colonelgunj, ...	32	250	17	299	11	190	17	31	50	1				54	27	22	2	2	22·68
Itrut Hoosein, Gujneer, ..	143	333	7	483	45	278	38	62	60	0	23706	357	1372	60	27	31	4	2	15·87
Mohd. Shookeroollah, Derapoor, ...	43	306	86	435	3	253	75	43	59	0				47	9	35	5	1	12 66
Qalub Ali Shah, Sheorajpore, ..	101	410	21	532	42	280	45	78	87	0				73	39	28	6	0	18·11
Total, ..	625	2317	354	3296	279	1842	258	353	564	6	214295	427	1481	433	175	203	25	9	17·65

46 24 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, heads nos. .. 1 to 21	79	712	4	795	50	621	49	0	75	1
Ditto ,, 22 to 25	300	7344	1	7645	54	7346	88	0	157	12
1 PSA. ditto ,, 1 to 21	94	329	36	459	0	309	63	0	87	3
Ditto ,, 22 to 25	13	899	2	914	1	842	62	0	9	0
1 Sudder Ameen, ...	165	666	6	837	0	475	207	0	155	1
5 Moonsiffs, ...	431	2928	25	3376	14	2260	713	0	389	0
Total, ..	1082	12870	74	14026	119	11853	1182	0	872	17

No. 4

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Cawnpore,	2280	0	0	1656	8	0
Do. Colonelgunj,	1680	0	0	1110	8	0
Do. Gujneer, ..	1680	0	0	1515	6	0
Do. Derapore, ..	1680	0	0	1509	8	0
Do. Sheorajpore,	1680	0	0	1675	2	0
Total, ..	9000	0	0	7467	0	0

The files were in good order at the end of the year,

51. The arrear, of longer standing than a twelvemonth, though numerically large, is really of little importance, when its character is considered. Of the 6 regular suits in this category, 5 had been remanded on dates comparatively recent, and of the miscellaneous cases the majority had reference to the property of persons dying intestate, and awaited the expiry of the period of the proclamation, required by law to be issued for the appearance of claimants. The state of the files calls for no other remark; nor do the tabular entries need to be elucidated further than by stating, that in the miscellaneous work is comprised the execution, either full or partial, of 1207 decrees, in the proportion of 831 to the former, and 376 to the latter. The strength of the agency at work and its individual members were both the same as in former years; and the Judge's opinion of their qualifications likewise appears to be unaltered. The Court need only remark on this head, that the proportion of appeals instituted, as well as that of decisions reversed, is larger than in most other districts, although three-fourths of the suits before the Courts had reference to debts on bond, banker's accounts, and other matters, exclusively of a personal, and generally of a very simple character.

and strength of agency employed was the same;

Proportion of appeals instituted, as well as decisions reversed, large, notwithstanding little litigation about real property.

Account of adjustment of records will be found in 11th and 12th paras. of Mr. Speirs' letter:

52. I am desired, with advertence to the 76th and 77th paragraphs of the Court's last Report, to refer to the 11th and 12th paragraphs of Mr. Speirs' letter for a succinct account of the progress made in adjusting the records of this Judgeship, and to add, that the Court have determined to reconsider the several questions regarding the tenure of land in Cantonments, and the nature of the jurisdiction possessed by the Civil Courts within those limits—questions, which were touched upon by Mr. Speirs in his report for 1845 and a subsequent address, and which seem to increase in importance, as time advances, and rights become more numerous and complicated. The law in respect of all such matters is very indefinite and defective, and the Civil Courts are in consequence brought into undignified collision with the military authorities, or so embarrassed in their proceedings, as frequently to lead to a denial of justice. The Court will hereafter address Government separately on this subject.

the Court propose to reconsider questions, which have been revived by Mr. Speirs, as to the tenure of land in Cantonments, and the jurisdiction of Courts within the limits thereof.

Judge's remarks as to the currency of Act IV. of 1840 in Cantonments, and fraudulent alienation of real property with a view to avoid execution of eventual judgments, subjoined.

53. In the supplementary letter from Mr. Speirs, in which these questions are revived, two other points are mooted, and the following extracts will serve to shew the nature of them: "The officer in charge of "the Sudder Bazar assumes and has long exercised a certain power "regarding disputes concerning dispossession of real property or remo- "val of nuisances within Cantonments. Has that officer any legal power "to do so? or, if a Joint Magistrate, should he proceed under Regulation "IV. of 1840 or XXI. of 1841 in cases which fall under the provisions "of those laws; and regarding land, if an officer gives an order simply "as officer in charge of the Sudder Bazar, the order may be contested "in the Civil Court; if as Joint Magistrate, I presume cases, decided un- "der Regulation XXI. of 1841, are not open to review in the Civil Court.

"3rd. There is another subject which I shall mention. I mean "the law regarding attachments made under Regulation II. of 1806, "including those under section 7, Regulation VII. of 1825. If a party "whose property it is proposed to attach chose to do so, he has "it within his power to evade the law; for he can legally alienate his "property till the time when the process of attachment has been issued, "(Construction 588) and no attachment can issue till the Judge is satisfied "of the necessity of calling for security and the defendant has failed to "furnish it within a reasonable time (Construction 190). It appears "to me that the Court should, on application made, have power without "delay to prohibit all transfers at least of real property, till it was set- "tled whether the application should be complied with or rejected;

"if the former, it would hold good till security was given. At present, "when the application is made shortly before long vacations, it is hardly "possible for the Courts to issue final orders, and in such cases defend- "ants, fraudulently inclined, have every opportunity afforded them to "dispose of their property and appropriate the funds.

"4th. Since the new rules regarding examination of vakeels, not a "single man in this district has received a sunnud, and under these "rules, I doubt if the supply of vakeels at the Moonsiffs' Courts can be "kept up." Mr. Speirs has been informed, in regard to the first point, that Act IV. of 1840 having been ruled by the Court to be inapplicable to disputes regarding possession, arising within the limits of Cantonments, Act XXI. of 1841 must, *a fortiori*, be considered inoperative within the same limits; and in respect of the subject, alluded to in the 3rd paragraph (above extracted) the Court have remarked, that the evil might truly, as suggested by Mr. Speirs, be stayed by conferring on the judicial authorities the power to prohibit all transfers of real property, until it were determined, whether the application for attachment, either under Regulation II. of 1806, or VII. of 1825, should be complied with or rejected; but this would require legislative sanction. The Court have further stated, that the law, as it stands, seems to provide a sufficient remedy in the privilege which it accords to any party, considering himself aggrieved by the supposed alienation, of bringing a regular suit to prove fraud or collusion. If the object of the supposed alienation be to evade execution of an eventual judgment, fraud or collusion cannot be absent; and if fraud be established, the transaction must, of necessity, according to every principle of justice, be declared invalid, even though it occurred prior to the issue of attachment, and that too, without any contravention of Construction No. 588, which merely declares it to be lawful for a defendant to alienate property at any time prior to attachment, but cannot make valid a transaction, which would under other circumstances be *ipso facto* invalid.

and opinion of Court on above points expressed.

54. The Court have expressed their reluctance to alter the rules, recently issued, for the examination of persons wishing to practise as pleaders, and have desired Mr. Speirs to report specially, if the difficulty anticipated (vide para. 4 of extract), should indeed arise.

Court are reluctant to alter rules for examination of vakeels.

ZILLAH FUTTEHPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ..	264	1458	61	1783	20	1075	113	233	342	2	72043
1846, ..	342	1166	57	1565	13	1020 *	93	189	250	4	45101
Increase,..	78	0	0	0	0	0	0	0	0	2	0
Decrease,..	0	292	4	218	7	55	20	44	92	0	26942

* Of which *Ex parte*, .. 124
Confession of judgment, 317
441
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings,... 185 *days.*
Session & Criminal Sittings,... .. 39 ,,
‡ 1 to S. D. A.

Names and Designations of officers.		*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
													Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge, Messrs. H. Lushington and H. B. Harington,	Orgls.	0	0	7	7	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls.	30	179	3	212	0	167	5	4	36	2	5800	0	0	4	3	1	0	0	2·27
P.S.A. Syud Mohd. Yusuf Hussun Khan, ...	Orgls.	40	69	18	127	0	85	5	9	28	1	26362	40	29	‡35	16	20	0	1	35·35
	Appls.	0	0	0	0	0	0	0	0	0	0	0	0	0						
S. A. .. none,		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs.																				
Lala Nundlall, Futtehpore,		111	405	8	524	6	325	15	72	106	0				64	19	47	3	2	15·53
Mohd. Ussudoollah, offg. & Syud Al Hussun, ..	Jehanabad	71	221	6	298	0	188	24	60	26	0	12939	320	598	23	4	11	1	0	8·45
Emadool Hussun, Hutgaon, ..		90	292	15	397	0	255	44	44	54	1				61	30	21	1	1	17·78
Total, ..		342	1166	57	1565	13	1020	93	189	250	4	45101	360	627	187	72	100	5	4	14·36

41·86 per cent. reversals.

No. 3.—Miscellaneous.

		1	2	3	4	5	6	7	8	9	10
Judge, headgs.	nos 1 to 21	7	128	2	137	16	110	5	0	6	0
,, Ditto	,, 22 to 25	17	3773	0	3790	16	3683	0	0	91	0
1 P. S. A. ditto	nos 1 to 21	75	234	16	325	0	183	90	0	52	0
,, Ditto	,, 22 to 25	14	626	16	658	0	648	3	0	7	0
Sudder Ameen,	none,	0	0	0	0	0	0	0	0	0	0
3 Moonsiffs,	..	218	2120	1	2339	1	1858	330	0	150	0
Total,	..	331	6883	35	7249	33	6482	428	0	306	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Futtehpore,	2280	0	0	1477	12	0
Ditto Jehanabad, ..	1680	0	0	776	10	0
Ditto Hutgaon, ...	1680	0	0	1395	4	0
Total, ..	5640	0	0	3649	10	0

55. During the year 1845 a considerable increase took place in the income of Civil business, owing to the encouragement, designedly given by the late Moonsiff of Hutgaon, to the institution of regular suits for the recovery of land rents. This act was animadverted upon by the Court in the 79th paragraph of their last Report, as well as in orders addressed to the Judge of Futtehpoor under date the 25th March, 1846; and the result is exhibited in the above tables. The falling off, now apparent, in the number of suits instituted, corresponds very nearly in degree with the increase, which attracted notice on examination of the returns for 1845, and calls for no remark nor other explanation than that which is involved in the fact just stated.

The falling off in amount of business corresponds nearly with increase in 1845, the cause of which was noticed in 79th para. of Court's Report for that year.

56. With the exception of twelve cases, disposed of by Mr. Lushington, who held the office of Judge from the beginning of the year until the end of February, all the regular appeals were decided by Mr. Harington, who received charge on the 19th March. In the trial of 14 he availed himself of the agency allowed by Regulation VI. of 1832, and followed the opinion of the natives engaged in his decision of all, but one. With reference to the remarks contained in the 14th paragraph of this Report, the Court do not think it necessary to allude to the issue of these appeals, as indicative of good or bad judgment; but they observe with satisfaction, that the Principal Sudder Ameen, Yoosuf Hussun Khan, has maintained his character for integrity and respectability, and that Nund Lall, the Moonsiff of Futtehpoor, conducts his duties creditably, and is considered by Mr. Harington deserving of promotion. Some "serious charges," which were pending against the Moonsiff of Hutgaon, Emadool Hussun, at the date of Mr. Harington's report, have been investigated, and declared by the present Judge, Mr. Armstrong, to be without foundation.

Mr. Harington was in charge for the greater part of the year: made use of Regulation VI. of 1832 in the trial of a few cases.

The Court do not notice result of appeals, for reasons before given,

but are glad to find the native Judges, generally, well spoken of.

57. The Court, in noticing Mr. Harington's report, have acknowledged the existence of the evil alluded to in the following extract (paragraph 6th); but they have remarked that the only remedy consists in the modification of section 8, Regulation XXVI. of 1814, which expressly authorizes the practice objected to, and that they are not at present prepared to recommend that step. "In this place, I cannot refrain "from remarking on the delay in the disposal of appeals, occasioned by the "liberty, which the law allows to appellants, of filing their petitions of "appeal without the grounds of appeal; under the law, as it now stands, "the appellants must file their petition of appeal within a month from "the date of the receipt of a copy of the lower Court's decision, while a "further period of six weeks is allowed them for finding out, and filing "the grounds of their dissatisfaction with that decision, during which "time, the Court, having nothing before it beyond the bare petition of "appeal, can hold no proceedings in the case. To so great an extent "is the practice followed in the district of Futtehpoor, that it has become "the rule instead of the exception, as it ought to be."

The only remedy for the evil noticed in the subjoined extract from Judge's report consists in a modification of the law (cited).

58. The Government have been informed by my letter, No. 304, dated 15th March last, that the records of this Judgeship cannot be arranged, until the new Court House proposed to be built shall have been completed, or sufficient and appropriate accommodation otherwise provided.

Records cannot be arranged for want of accommodation.

59. During the past year no correspondence passed, the substance of which it would be either useful or interesting to recapitulate.

ZILLAH BUNDELKHUND.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pendg. at the end of each yr.	10 Cases pendg. beyond 1 yr.	11 Value of original suits, and appeals pending on 31st December.
1845, ...	159	1558	88	1805	54	914	192	301	344	2	69480
1846, ...	341	1715	35	2091	4	1030 *	272	413	375	1	97918
Increase, ...	185	157	0	299	0	116	80	112	31	0	28438
Decrease, ...	0	0	53	0	50	0	0	0	0	1	0

* Of which *Ex parte*, .. 276
Confession of judgment, 240
516
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 124 *Days.*
Session & Criminal Sittings, .. 108 ,,
‡ 1 to S. D. A.

Names and designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge Mr. S. G. Smith. .. Orgls	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appls	31	171	0	202	0	116	5	2	79	0	15056	0	0	2	1	1	0	0	1·62
P. S. A. Moulvee Gholam Mohd. Orgls	22	77	14	113	1	67	14	12	19	1	63167	29	48	‡39	12	27	2	1	41·05
Appls	2	0	0	2	0	1	1	0	0	0	0	0	0						
S. A. .. (none),..	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs.																			
Luchmun Pershad, Banda,	57	504	7	568	1	311	62	102	92	0				47	13	26	1	0	9·89
Mashook Ali, Tiroha, ..	52	271	9	332	0	211	27	55	39	0				38	9	10	3	0	12·96
Sree Kishun and Yasheen Shah, Jelalpore,	180	692	4	876	1	324	163	242	146	0	19695	292	1175	48	12	9	0	0	6 58
Total, ..	344	1715	35	2094	4	1030	272	413	375	1	97918	321	1223	174	47	73	6	1	10·14

39·16 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headgs. nos 1 to 21	14	191	1	206	82	60	9	0	55	0
,, Ditto ,, 22 to 25	72	2279	5	2356	6	2277	3	0	70	3
1 P. S. A. Do. nos 1 to 21	52	807	82	411	1	211	134	0	95	0
,, Ditto ,, 22 to 25	5	701	0	710	5	696	0	0	9	0
S. A. .. .. (none),..	0	0	0	0	0	0	0	0	0	0
3 Moonsiffs, ...	252	1308	0	1560	0	834	473	0	253	1
Total, ..	393	4786	91	5273	94	4078	619	0	182	4

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Banda, ..	2280	0	0	1949	2	0
Moonsiff Tiroha, ..	1680	0	0	1221	8	0
Moonsiff Jelalpore, ..	1684	5	9	3399	0	0
Total, ..	5644	5	9	6569	10	0

60. The work in this district, though a little heavier during the past year, than in that which preceded it, is still so very light, that no difficulty is felt in disposing of it with all the expedition that could be desired. The Judge's files, both regular and miscellaneous, exhibit a larger arrear than that which awaited decision at the beginning of the year under notice, and this might possibly have been avoided. But the Court are not disposed to find fault with a result, which has been productive of injury to none, and which is traceable to the Judge's occupation for 108 days in Sessions and Criminal duties, and in examining the record of cases decided by the newly appointed Moonsiff of Jelalpoor, whose proceedings seemed to the Court to call for close supervision. The circumstance, which drew the Court's attention to this officer's mode of conducting business, was the singularly (in this district) large proportion of cases, both regular and miscellaneous, which were month after month represented in the periodical reports to have been "struck off" on default. The Judge, on inspecting the records of these cases, at first detected many illegal orders and irregular practices, which he forthwith took measures to correct, but the same peculiarity, nevertheless, continued to be observable, and is sufficiently apparent in the columns of table No. 2, and the details, from which table No. 3 is compiled, and which shew, that to 55 applications for execution of decree disposed of on the merits in the Jelalpoor Moonsiffee, 195 were struck off on the alleged default of the decree-holder! The Judge has engaged to keep a watch over the Moonsiff's proceedings, and will of course report any circumstance, that may be thought to call for the Court's interference.

Work in this district is so light as to be easily disposed of with punctuality:

and though the arrear at the end of 1846 was larger than at the beginning, the heavy Sessions duties, and Judge's occupation in examining proceedings of Jelalpoor Moonsiff account for it.

Court's attention was attracted by the large proportion of cases regular and miscellaneous struck off,

which was found in the first instance to arise from illegal practices of Moonsiff.

61. The records are reported to be in good order, with an exception, which the fixed establishment will, the Judge expects, be able to remove in a short time. No other subject seems to require remark.

Records are in good order.

ZILLAH ALLAHABAD.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	520	2737	115	3372	74	2206	181	406	505	1	179440
1846, ...	505	2789	47	3341	23	2373 *	155	410	380	1	188451
Increase, ..	0	52	0	0	0	167	0	4	0	0	9011
Decrease,..	15	0	68	31	51	0	26	0	125	0	0

* Of which *Ex parte*, .. 646
Confession of judgment, 499
——1145
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

†Civil Sittings, 157 *days*
Session & Criminal Sittings, 77 ,,
‡ 7 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descriptn. of suits.*		*Result of Appeals.*					
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn	Average of appeals instituted to suits decided.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge, Mr. A. Lang, Orgls	1	5	0	6	5	1	0	0	0	0	0	5	0	1	0	1	0	0	100·
Appls	19	271	1	291	0	253	15	7	16	0	5774	0	0	5	4	1	0	0	1·81
P. S. A. Mlvee Ruzeeoddeen, Orgls	68	232	14	311	0	214	6	19	72	1	162959	98	134	‡68	35	35	0	0	28 33
Appls	0	1	0	1	0	1	0	0	0	0	0	0	0						
S. A. (none,) ..	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 0
Moonsiffs.																			
Fygumber Bux *alias* Syud Abdoolla, Allahabad,	88	783	8	879	5	652	19	136	67	0				27	8	20	2	1	3·34
Syud Sullamut Ali, Kydgunj, ...	56	596	10	662	4	450	29	125	54	0	19718	615	1665	59	11	39	5	5	9·76
Kanjisahi, Munjunpore,	199	545	6	750	9	501	60	61	119	0				73	25	38	4	0	11·73
Heyth Lall, Phoolpoor,	77	356	8	441	0	301	6	62	52	0				53	18	32	1	1	13·61
Total, ..	505	2789	47	3341	23	2373	155	410	380	1	188451	718	1799	286	101	166	15	7	9·73

37·82 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs nos 1 to 21	18	339	0	357	25	313	6	0	13	0
,, Ditto ,, 22 to 25	136	5033	0	5169	0	5152	0	0	17	0
1 P.S.A.ditto nos 1 to 21	174	614	20	838	0	520	111	0	207	0
,, Ditto ,, 22 to 25	4	115	0	119	0	119	0	0	0	0
Sudder Ameen, (none)	0	0	0	0	0	0	0	0	0	0
4 Moonsiffs, ...	514	2965	0	3479	0	1852	1137	0	490	0
Total, ..	846	9066	20	9962	25	7956	1254	0	727	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Allahabad,	2280	0	0	2974	8	0
Ditto Kydgunj, ..	1680	0	0	1821	0	0
Ditto Munjunpore,	2280	0	0	2561	0	0
Ditto Phoolpoor, ..	1680	0	0	1662	4	0
Total, ..	7920	0	0	9018	12	0

62. The following extract (paragraph 11) from Mr. Lang's report for the past year, will shew the favorable opinion which he entertains of the character, conduct and qualifications of the native Judges, and will serve to satisfy the Government that the judicial business of the several Courts has been conducted properly, and, to the best of his judgment, with integrity, carefulness and dispatch. The Court may appeal to the results exhibited in the above tables, as evidence in support of Mr. Lang's conclusions, and may add that, in reviewing the periodical reports of work during the past year, they have had no occasion to find fault with the proceedings of the judicial officers. "From what I have said "above, the Court will have observed that I am well satisfied with the "manner in which my subordinates generally have discharged their du- "ties, and that I have particularly borne testimony to the good character, "which they one and all bear in the district. It may very probably be "considered that I am disposed to take too favorable a view of the native "character, and I am well aware that many would laugh at the very idea "of all the native Judges in a district doing their work honestly. Of course "I am liable to be deceived as others, but in this instance I think "I am not, and that I have not said more in favor of the native Judges "than they deserve; were they or any of them corrupt, it could hardly "fail to be known, and being known, it could not, I think, be long before "I was informed of it. There have been very corrupt men in this dis- "trict since my appointment to it, and I was soon made acquainted "with their malpractices; two of them I was relieved of by death, one I "got dismissed from the service, and the other, being aware that his "character was known, managed to get removed elsewhere on a medi- "cal certificate. My own opinion, judging of course chiefly from what "I have observed in this district, but from what I have heard from others "also, is, that the character of the native Judges generally is much im- "proved; that they work much harder than they used to do, and ad- "minister justice, whereas they were formerly but too ready to give their "decisions in favor of those who paid the best. There must of course "be exceptions, and much will depend on the manner in which they are "looked after, for I am not inexperienced enough to believe that they "are actuated by the high principle we could wish to see; this is not to "be expected from Mohamedans and Hindoos. The *fear* of God may "help in some few instances to induce them to discharge their duties "honestly, but as regards the Principal Suddder Ameens, the greater "inducement to honesty is the handsome salaries they receive, the high "station in society they enjoy in virtue of their appointment, and the "knowledge, that regular legal proof of misconduct is not necessary for "their removal from office, whilst the Moonsiffs are checked by the "more careful surveillance to which they are now subjected and the "hope of promotion which they are aware is now obtained more with "reference to merit and more speedily than was formerly the case; and "I should therefore very much like to see the arrangement proposed "some years ago for effecting their more rapid promotion and the in- "crease of their allowances, carried out. The Court then urged that no "Moonsiff should receive less than 150 rupees per mensem, but I am "disposed to think, as there is difficulty on the ground of expense, that "it would be more desirable to provide for continued and rapid pro- "motion, than to increase the salaries of the Moonsiffs on their "first appointment: 100 rupees is I consider quite sufficient to satis- "fy a Moonsiff on his first obtaining his appointment, particularly "when he has to look forward to a speedy increase, but after 2 or 3

Para. 11 of Judge's report, which is subjoined expresses a good opinion of the native Judges who would seem, from the statements, to have done their work properly.

" years, he will begin to think he ought to have more, and what I should " like to see, therefore, would be an arrangement by which every Moon- " siff might look forward almost with certainty on his conducting him- " self properly to an increase of allowances every 3 or 4 years, for there " are many Judges, who work honestly for a time and afterwards " change their course on seeing no prospect of promotion, and to take " away every excuse from the Moonsiffs for malpractices, their establish- " ment allowance should also of course be doubled, as has been so fre- " quently urged. That the Moonsiffs now work more satisfactorily than " they did some years ago in this district is shewn from the fact, that " though in 1840 their decisions in contested suits only amounted to " 457, their orders were reversed in 95 cases, whilst in the past year " their decisions in contested suits amounted to 845 and only 62 of their " orders were interfered with. Again the total decisions of this district " in regular suits and appeals on trial in 1840 by 7 officers were 1643; " in the past year by 6 officers, 2373, whilst the statements exhibited at " the close of 1840, 1017 regular suits and appeals pending, and those of " the past year gave only 380. Further, there were no appeals, original " suits, or miscellaneous cases of longer standing than one year pending " before several Judges at the close of the past year, for the only long- " standing case remaining undecided was a remanded suit, which had " not reached the lower Court, when the year closed; whilst at the close " of 1840, there were in all 221; and whilst few suits were then decided, " in less time than six months from the date of their institution, very, " very few now remain pending so long as six months, even on the Prin- " cipal Sudder Ameen's file. The generality of suits are disposed of " within 2, 3 or 4 months from the date of institution." Sittings were held by Mr. Lang on the Civil side during 157 days, and his time was, so far as the regular department is concerned, almost exclusively devoted to the hearing of appeals, in 16 of which he called in the aid of the agency allowed by Regulation VI. of 1832, whose opinion was followed in the decision of all. The Judge still adheres to the sentiments which he has before expressed on the subject of this law, and accounts for its more limited use by stating, that fewer cases came before him, in which he deemed the assistance of a Punchayet to be necessary. The only original case, tried by him, was retained on his file, because the Moonsiff of the city, Abdoolah, was a party and the investigation which followed proved satisfactorily that it was "fraudulently brought against the Moonsiff, for the purpose of removing from his file, on the ground of the plaintiff being his creditor, other suits pending before him, in which the plaintiff was a party, and which, he feared, would be decided against him." The Judge's conclusion in this respect was subsequently confirmed by the result of a criminal prosecution against the plaintiff and witnesses for perjury and subornation of perjury, of which they were convicted by the Commissioner of the division. It is hoped that this circumstance may be useful as an example to others, and put a check in some measure to fraudulent litigation.

Mr. Lang, the Judge, tried only appeals, using Regulation VI. of 1832 in the decision of some,

and giving reasons for its more limited application in 1846.

One original case was retained by Judge on good grounds.

63. The Court have so frequently stated their views respecting the remuneration of the Moonsiffs and their establishments (touched upon in the above extract from Mr. Lang's report) that they think it needless to repeat them, hoping that the discussion, which has passed, may in the course of time produce the desired effect. The same may be said of the subject, alluded to in the 12th para. of the Judge's letter, which is here inserted, as giving, in the opinion of the Court, a correct account of the circumstances that lead to the large proportion of decisions passed

The Court need not again express opinion regarding remuneration of Moonsiffs, &c., nor on the subject, mentioned in subjoined extract (para. 12) from Judge's report.

ex parte, and on confession of judgment. "I shall only further remark on "the very large number of *ex parte* and confession of judgment deci- "sions in the lower Courts. The number is certainly very great, and so, "from the Court's annual Reports, it appears to be in almost every dis- "trict. The Court have been led to think at times that the Moonsiffs "themselves, to swell the number of their decisions, encourage the insti- "tution of suits, but I don't think there is any thing of the kind carried "on in this district. It is the same, year after year, though the Moonsiffs "are constantly changed, and the Court, in which the greatest number of "suits was decreed during the past year by consent, is that of Munjun- "poor, where the Moonsiff has more to do than he can well get through; "he has to work very hard to keep his file down. The large number of "*ex parte* decisions in the city and Kydgunge Moonsiffees is to be greatly "attributed to the very regular proceedings of the Moonsiffs of "those Courts, who allow no unnecessary delay in disposing of the suits "before them. If the defendants do not appear and answer to the "suits brought against them, they at once try the suit, and for this "they are to be praised and not blamed; and that the defendants "are generally fairly informed of the suits being instituted against "them is to be gathered from the fact that during the past year, "I had not above 2 or 3 appeals in all from *ex parte* decisions; but the "chief cause of so many *ex parte* and consent of judgment decrees, is, "I think, to be found in the native character; a disinclination to pay "their debts till they are actually forced to do so. They don't deny the "claims against them, but they won't pay, or in many instances cannot "pay without selling the house over their heads, which, of course, they "are unwilling to do; so the claimant has to go into Court to effect the "sale, and the exorbitant demands of the *mahajuns* for interest is ano- "ther reason no doubt. Many suits are brought into Court in conse- "quence of a dispute regarding the interest to be paid. The mahajun, "on a repayment being made, carries the whole amount to the inter- "est account; the debtor is unwilling to pay the enormous rate demanded "and often agreed for, though not stipulated for in the bond; the mahajun "then sues, and the suit is decided *ex parte*. I believe, in England, be- "fore the institution of a suit a simple notice is served on a debtor by "his creditor, to the effect, that, if the amount claimed is not paid within "a certain time, a suit will be instituted. The practice is, I think, a "very good one, and might with advantage be introduced. Here the "number of *ex parte* decisions and decrees by confession of judgment "would then be considerably decreased, no doubt."

Execution of decrees.

64. 1773 decrees were either completely or partially executed by the Moonsiffs and the Principal Sudder Ameen, to whom is delegated entirely the duty of giving effect to the Judge's decrees. There is every reason to be satisfied with the result of operations in this department. The records are reported to be in "excellent order."

ZILLAH GORUCKPOOR.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	1345	5155	919	7419	865	3861	387	675	1631	0	288427
1846, ...	1631	5286	931	7848	886	3938 *	513	550	1961	4	343350
Increase, ..	286	131	12	429	21	77	126	0	330	4	54923
Decrease...	0	0	0	0	0	0	0	125	0	0	0

* Of which *Ex parte*, .. 388
Confession of judgment, 1163
—— 1551
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 158 *days*
Session and Criminal Sittings, .. 86 ,,
‡11 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge Mr. E. A. Reade, .. Orgls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appls	148	776	10	934	479	239	15	2	199	0	55036	0	0	7	5	2	0	0	2·73
PSA.Ahmud Hussun Khan, .. Orgls	6	48	146	200	34	103	42	4	17	0									
Appls	1	0	369	370	69	239	5	2	55	0	74724	33	33	‡54	16	25	0	1	9·85
Do.Mustafakhan& KareemQuliKhan, Orgls	8	18	33	59	29	18	0	1	11	0									
Appls	3	0	205	208	31	117	14	3	43	0	5756	0	0						
SA.AbdulUzeez, Goruck- *Moonsiffs.* [poor]	107	216	139	462	2	250	19	20	171	1	82514	113	103	101	29	41	3	2	34·94
MehndiHussun, Capt.Gunj	157	543	4	704	2	464	81	45	162	1				84	2	39	8	0	15·55
Hubeeboollah, Bansee, ..	76	388	2	468	1	341	14	45	67	0				36	6	11	2	0	9·
MehndiAlikhan Khalilabad,	196	497	2	695	1	485	51	5	153	0				104	2	45	3	1	19·29
Rassoolbukshkhan, Bansgaon, Doorganarain and	212	757	7	976	8	383	74	91	420	0				97	24	59	0	0	17·7
Sheudial, Munsoorgunge,	135	378	3	516	33	260		82	88	0	125290	1636	2592	29	9	16	1	0	7·34
Reazut Husein, Perrownah,	232	464	3	699	51	248	102	83	178	2				74	26	29	9	0	15·74
Seerajooddeen, Deoreea, ..	236	526	6	768	66	328	43	96	235	0				109	30	59	5	3	23·34
Karimooddeen, Goruckpoor,	112	675	2	789	80	426	50	71	162	0				104	35	52	3	1	19·01
Total, ..	1631	5286	931	7848	886	3938	513	550	1961	4	343350	1782	2728	799	227	385	34	8	15·97

37 09 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos 1 to 21	54	576	0	630	15	551	30	0	34	0
Ditto ,, 22 to 25	15	3658	0	3673	0	3656	0	0	17	0
2 P.S.A. ditto ,, 1 to 21	31	278	117	426	114	156	100	0	56	1
,, Ditto ,, 22 to 25	1	235	10	246	10	232	0	0	4	0
1 Sudder Ameen, ..	115	631	0	746	0	446	179	0	121	0
8 Moonsiffs, ..	468	4659	0	5127	0	3098	1462	0	567	0
Total, ..	684	10037	127	10848	139	8139	1771	0	799	1

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amnt. reald. by sale of stamps.		
Moon. Capt. Gunge,	1680	0	0	1907	0	0
Ditto Bansee, ..	2260	5	6	2122	10	0
Ditto Khulelabad, ..	1680	0	0	2062	0	0
Ditto Banagaon, ..	1652	8	0	3507	0	0
Ditto Munsurgunj,..	1432	14	4	1092	2	0
Ditto Perrownah, ..	1654	12	0	1617	8	0
Ditto Deoreea, ..	1680	0	0	2040	0	0
Ditto Goruckpore, ..	2280	0	0	2378	4	0
Total, ..	14320	7	10	16726	8	0

Report has been submitted by Mr. Reade, and is so full as to call for no remark;

65. The Report, which Mr. E. A. Reade late Judge of this district has submitted, and which is forwarded in original herewith, is so full as to relieve the Court from the necessity of troubling Government with many remarks. It is clear from the preceding tables that the several officers employed have not been wanting in attention to the duties entrusted to them, that, on the contrary (so far as tabular statements may be depended on) they are entitled to credit for their exertions. The arrear on the general file was somewhat larger, it is true, at the close than at the beginning of the year under notice, but the number of suits for trial was larger by 429 than in 1845, while on the other hand the Courts were closed for an unusual length of time owing to part of two Mohurrum vacations falling within the Christian year 1846; it should moreover be remarked, that this arrear comprised but few cases of longer standing than a twelvemonth, and all of these few had been but recently remanded by the appellate Courts for re-investigation or re-trial. In the miscellaneous work, exhibited in table No. 3, are included the complete execution of 1388 decrees, and the partial enforcement of 205: 1676 applications were struck off on default.

arrear at end of 1846 was larger than at beginning, but reasons thereof explained.

Though suits about real property formed a large portion of the regular work, neither the proportion of appeals, nor that of reversals is high.

66. It will be observed that though suits for interests in real property constitute a considerable portion of the regular Civil business brought before the Goruckpoor Courts, neither the proportion of appeals to decisions nor that of reversals to confirmations on trial is remarkably high.

Judge's remarks regarding *ikbaldawa* decrees subjoined.

67. The 11th paragraph of Mr. Reade's Report, which relates to the subject of *ikbaldawa* decrees, is subjoined, as being explanatory of the views expressed by him on a former occasion. "The frequency "of these cases was the subject of paragraph 22 of my Report for the "year 1845. In 1845, the number was 1354. In 1846, it has been "reduced to 1167. I regret to find that some part of my observations "in the last year's Report has been misconstrued into a reflection upon "the revenue office, which has since led to enquiry and to an unmis-"takeable imputation, by way of retort, against the Civil Courts. "Neither of these views are correct. No shaft was thrown against "the Collectorate, and the Collector's defence and assail to boot "are both in error. It may be as well to go to the root of the "matter, although incidentally I believe, as far as my memory "serves me, I have explained the subject pretty fully in my Report "upon the operation of the law of registry of deeds 13th July, "1846, No. 120. With regard to cases of ikbaldawa upon bonds, I "have explained that they are mostly in the course of trade. In con-"nection with claims on account of conveyances, they are resorted to as "a security for money, advanced often as a mere loan, and the satisfac-"tion of the lender. If after the decree the seller acts in good faith, the "purchaser rarely takes out execution. But should the former interrupt "the latter, he gets a precept issued through the Moonsiff's Court to the "Collector, and it is certain that this method of recording a transaction "is deemed by the people more sure and binding than registry of deeds, "or any other mode. I have alluded to cases of collusion, and am satis-"fied that such cases exist, but I must remark that in the whole course "of my experience I never heard of, but one single case in which it was "represented that the party who filed the ikbaldawa was not the party "interested.

"In almost all the settlement engagements of the land holders of "the Goruckpoor district, a clause is inserted securing pre-emption to the "sharers, in the event of one of the brotherhood being desirous or com-"pelled to alienate, valuable and important as the recognition of this

" principle is, it is not without its abuse. In the Collector's office appli-
" cation for mutation of registry involves a reference to the conditions
" of the settlement engagements,* and it is quite sufficient for any one of
" the sharers, from spite or other interested motive, to prevent the muta-
" tion by filing an objection founded on the pre-emptional clause. This
" is quite sufficient to postpone, and often to prevent the object being
" accomplished for which a journey of many miles has been taken. It
" has been so repeatedly asserted by the people that by virtue of the
" clause of the settlement engagements, unscrupulous sharers call upon
" the lender of money, or the intending purchaser, or the seller, or both
" parties, as the case may be, for a *solacium*, and in default of receiving
" it put in their objection to the transfer in the sheer spirit of annoy-
" ance, that I believe the assertion to be a fact and with its impression
" on my mind my remarks on the subject were last year penned.

" Neither the Collector's office nor the Civil Courts are in any way
" accountable for that national vice of the landed communities which
" induces sharers to view the embarrassment of one of their number, only
" so far as it may be made the source of their individual profit. The
" Collector claims for his office that its practice is equitable, and charges
" the Civil Courts with injustice; a large portion of the public deem
" recourse to the latter safer, more expeditious, and attended with less
" risk of trouble and expence. In the one they consider that the pres-
" cribed rule of practice affords an opening for mischievous interfer-
" ence by objectors from interested motives, in the other that such vex-
" atious objection is checked by the simple reply, that the interests of
" the objector cannot be effected by a decision passed in a suit to which
" he is no party.

" The imputation of injustice against the Civil Courts is implied in
" the assertion, that in these 'ikbaldawa' cases the 'Courts systematically
" rough-ride the settlement agreement,' which secures the right of pre-
" emption, one which, it is argued, ought to be equally respected in the
" Courts of law, as well as the revenue office. The Collector's sugges-
" tions are given below.† His proposition is to revert to a practice which
" occasionally obtained in the Goruckpoor district of Moonsiffs acting
" on the provisions of clause 4, section 6, Regulation V. of 1831 in all
" cases involving claims to landed property, whether by virtue of suc-
" cession or transfers, which the Court's Circular Order, No. 223, 9th
" September, 1842, has strictly forbidden.

" I confess, I see no necessity for legislative interference, and little
" utility if the proposition was approved. The seller and purchaser, in
" the majority of cases synonymous with borrower and lender, would
" evade the pre-emptional clause by a fictitious excess upon the real
" consideration, agreed upon by the parties, being expressed in the deed.
" It would render pecuniary negotiations, necessarily frequent in a dis-
" trict where agricultural extension is the general object, more difficult
" to be managed; and more than sufficiently discountenance the anta-
" gonistic influence of external aid, which though in some few cases it

* Circular Order S. D. R. III. page 208,209, *et passim*.

† " If the wajiboolurz be worth any thing it ought to be upheld in the Civil, as well as the
" Revenue Courts, and in suits opposed to its provisions the whole brotherhood should be includ-
" ed as defendants to give them an opportunity of pleading its provisions, the Board of Revenue
" in concert with the Sudder Dewanny might authorize Collectors to decline execution of precepts
" in subversion of the conditions of the wajiboolurz as they now do in private transfers,
" militating against it under sections 209 and 217 of the Board's Circular, No. III."

"may be aggravated to the oppression of a community, will generally "afford a wholesome check on the *bias* of many of that community to "depress one or more of its weaker members.

"I consider that these cases of ikbaldawa should be watched. It "is probable that the reduction of the number in the present year may "be the effect in some measure of attention having been called to them. "But while execution of decrees in sequel of these cases form the "exception, instead of the rule, as is undoubtedly the case, there is "little ground to apprehend the necessity of adjudicating them upon a "new and different principle." The Court do not desire to revive the discussion of a question, on which they have more than once expressed their opinion.

Judge advocates reduction of certain heavy charges referred to in para. 12 of his Report, subjoined,

68. In the 12th (subjoined) paragraph of his letter Mr. Reade refers to the heavy charges on certain descriptions of exhibits, to which suitors have become liable by reason of the circumstances therein stated, and he advocates their reduction. "I was requested in the course of "the year by some of the people to point out the increased expense "suitors have become liable to by circumstances under the provisions of "section 22. Regulation XXVI. 1814, and of clause 5, Schedule B, "Regulation X. 1829, in the Courts of the Sudder Ameens and the "superior Judges. The Board of Revenue have organized a system of "separate village accounts, and the Lithographic Presses have enabled "the native revenue officers, as a general rule, to award receipts for all "payments made, which it is undeniable were as rare formerly as they "are now common. Such exhibits are most valuable in litigations "regarding landed property, and with reference to them it is deferen-"tially submitted to the Court, that it would be more equitable if the "stamp impost was not laid upon each paper, but with reference to the "year indicated in each series. The excess of net stamp revenue over "the costs of the native establishment, Rs. 14,021, affords a sufficient "presumption that the state would lose little by this measure of relief." It seems to the Court that the hardship or inconvenience resulting from the exaction of the impost referred to, has not yet been practically developed in such measure as to give a reasonable hope of success, in an application to the legislature for their interference.

but the Court think that the interference of Legislature would be premature.

ZILLAH AZIMGURH.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pendg. beyond 1 yr	11 Value of original suits and appeals pending on 31st December.
1845, ..	1215	2604	941	4760	890	1846	341	227	1456	5	269082
1846, ..	1456	2444	1108	5008	1016	2228 *	447	106	1211	6	230916
Increase, ..	241	0	167	248	126	382	106	0	0	1	0
Decrease, ..	0	160	0	0	0	0	0	121	245	0	38166

* Of which *Ex parte*, .. 262
Confession of judgment, 281
— 543
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, .. 170 *days.*
Sessions & Criminal Sittings, .. 87 ,,
‡ 2 to S. D. A.

Names and Designations of officers.		*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
		1	2	3	4	5	6	7	8	9	10	11	12 Relating to real property.	13 Relating to bonds, contracts, wages, &c	14 Appeals instituted.	15 Reversed or modified.	16 Confirmed	17 Dismissed.	18 Withdrawn.	19
† Judge, Mr. H. Armstrong, ..	Orgls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls	194	480	5	679	201	279	7	3	189	0	50458	0	0	9	8	1	0	0	3·11
P. S. A. Mahomud Luteef Khan, ..	Orgls	147	73	81	301	1	213	18	4	65	2	90613	52	21	‡99	39	54	1	0	27 65
	Appls	41	0	204	245	1	119	3	1	121	0	7875	0	0						
S.A. Kasim Ali Khan, Azimgur, *Moonsiffs.*		277	142	426	845	72	362	92	35	281	0	49754	86	56	136	40	64	1	1	27·81
Wazeer Allum, Azimgurh, ..		341	1049	70	1460	488	571	114	28	259	0				109	27	70	0	0	15·28
Dabee Dyal, Ghosee, ..		456	700	25	1181	225	470	169	25	292	4	32216	893	856	109	31	74	6	3	16·41
Kaim Ali, Adl. Mohomedabad,		0	0	297	297	28	214	44	10	1	0				30	1	0	0	0	13·43
Total, ..		1456	2444	1108	5008	1016	2228	447	106	1211	6	230916	1031	933	498	146	263	8	4	17·9

35·69 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, heads. nos. 1 to 21	25	476	0	501	13	410	6	0	72	0
Ditto ,, 22 to 25	28	4541	0	4569	1	4541	0	0	27	0
1 P.S.A. ditto ,, 1 to 21	87	430	16	533	0	333	61	0	139	0
Ditto ,, 22 to 25	5	620	1	626	0	622	0	0	4	0
1 Sudder Ameen, ...	103	830	0	933	4	766	52	0	111	2
3 Moonsiffs, ...	336	1659	0	1995	85	932	618	0	360	0
Total, ..	584	8556	17	9157	103	7604	737	0	713	2

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Azimgurh, ..	1680	0	0	3759	4	0
Do. Ghosee, ..	1680	0	0	2980	6	0
Adl. Do. Mohomedabad, ..	1120	0	0	0	0	0
Total, ..	4480	0	0	6739	10	0

An additional Moonsiff was entertained to assist in reducing the files,

69. As stated in the 113th paragraph of the Report for 1845, an additional Moonsiff was entertained in this district during the past year, with a view of relieving the Moonsiffs of Azimgurh and Ghosee from the unusual pressure of business, occasioned by an increase of 704 during 1845 in the number of regular suits instituted: he was appointed on the 3rd April, 1846, originally for 6 months, but illness, combined with other circumstances, rendered it impossible for him to perform within that period what had been required of him, and his services were accordingly retained until the end of the year, when he was discharged, the object contemplated in his appointment having been fulfilled. A comparison, however, of the above tables with those for other districts will shew, that the Civil business in Azimgurh, whether its income, or the nature of the litigation which prevails be considered, is heavier than in some others, where the judicial agency is numerically stronger, and the Court cannot but think, that, sooner or later, it will be requisite to make a substantive addition to the establishment; more than half of all the suits preferred during the past year, had reference to claims for proprietary right in land, or for recovery of real property; a fact, which must be borne in mind in examining, and drawing conclusions from, the table, which exhibits the proportion of appeals instituted, and their result.

and was discharged at end of year, the object in view having been accomplished,

but the the Court think that the number of the suits, instituted, may render a permanent addition to establishment necessary.

Regulation VI. of 1832 was almost inoperative and seems to be unpopular with the people.

70. Regulation VI. of 1832 was brought into operation by Mr. Armstrong in the trial of two cases only, one of which was disposed of in accordance with their opinion. Mr. Armstrong states that the people, generally, very seldom apply for the employment of the agency, which the law permits, and that in the few cases, in which natives have been associated with him, he has derived but little benefit from their assistance.

Remarks on the state of the files and the labors of the native Judges.

71. 1024 decrees were executed, 631 fully, 393 partially, in all the Courts, and neither in this nor in any other department of business does any thing present itself worthy of particular notice; the two, of older date than the year under report, awaited the completion of a partition by the revenue authorities. The Court are glad to find, that the uncovenanted Judges are favorably reported of by the officiating Judge, who expresses himself satisfied with their exertions, and commends their ability. The Principal Sudder Ameen, however, Mahomed Luteef is said "to allow cases to fall into arrear" by a want of care in the examination of the pleadings, and a want of proper attention in enforcing the orders passed by him, and to these defects is attributed the protraction of two cases, which had been pending on his file for more than a twelve month, when 1846 came to a close; these are both serious defects in a judicial officer and they are noticed in this place, that the Judge may admonish the Principal Sudder Ameen to correct them.

The Court's Circular Order of 23rd January, 1846, (before mentioned) is said to have repressed fictitous litigation, para. 10 of Judge's Report is subjoined.

72. It is satisfactory to the Court to learn from the subjoined extract (paragraph 10) from the officiating Judge's Report, that their Circular Order* dated 23rd January 1846, has had the effect of repressing fictitious or fraudulent suits, the institution of which was encouraged by the undefined state of the law regarding refund of the value of stamp paper, on which the plaint was engrossed, in adjusted suits. The same result is said to have taken place in other districts. "Since the issue "of the Court's Circular Order, No. 272 of the 23rd January, 1846, I have "carefully examined all cases which have been adjusted, with the view "of checking any contravention of the law, as ruled by that Circular, "and with one exception, I have found the judicial officers have fully "comprehended its purport and have properly acted upon it. From "the great falling off of adjusted cases, exhibited below† it would "seem that the public, as has been suggested, must have had formerly "recourse to the Courts with the object of procuring a private settle- "ment of their affairs and differences, and frequently perhaps not for "an honest and open purpose. When such was the object of suitors, "their attempts to obtain by intimidation what they had no just right "to, will have been in a great measure frustrated by the late Circular, "explaining the purport of the law relating to adjusted cases."

* *Vide* Docket No. 294, dated idem.

† 227 cases, 1845.
106 cases 1846.

121 decrease

ZILLAH JOUNPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	734	2528	275	3541	233	1963	234	196	915	3	227941
1846, ...	915	2197	621	3733	564	2022 *	262	150	735	5	169518
Increase, ...	177	0	346	192	331	59	28	0	0	2	0
Decrease, ...	0	331	0	0	0	0	0	46	180	0	58426

* Of which *Ex parte*, .. 326
Confession of judgment, 197
523
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 149 *days*.
Sessions & Criminal Sittings, 68 ,,
‡ 4 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*										*Descriptn. of suits*		*Result of Appeals*					*Average of appeals instituted to suits decided.*
	1	2	3	4	5	6	7	8	9	10	11	12 Relating to real property	13 Relating to bonds, contracts, wages &c	14 Appeals instituted.	15 Reversed or modified.	16 Confirmed.	17 Dismissed	18 Withdrawn.	19
† Judge, Mr. R. J. Tayler, ...	Orgls 1	0	240	241	240	0	0	0	1	1	4999	0	0	0	0	0	0	0	0
	Appls 78	356	8	442	94	216	30	4	98	2	22215	0	0	7	5	2	0	0	2 8
P. S. A. Cazee Yar, Ulee Khan, ..	Orgls 58	113	218	389	5	266	42	12	64	2	113610	68	45	‡95	29	36	1	1	23·28
	Appls 22	0	96	118	4	85	3	0	26	0	1206	0	0						
S. A., ... (None,)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs.																			
Cazee Zeeah oollah, Jounpore,	200	380	24	604	78	319	68	27	112	0				71	10	43	2	3	17·14
Syud Banda Ulee, Jounpore,	145	590	8	743	66	492	31	32	122	0				75	31	38	2	0	13·51
Moulvee Fuzl oollah, Muchleeshehur, ...	217	381	12	610	53	308	33	47	169	0	27488	879	849	57	20	32	26	0	14 69
Moulvee Noorad Ulee, Mooftee Gunj, ...	194	377	15	586	24	336	55	28	143	0				68	16	49	2	0	16·22
Total, ..	915	2197	621	3733	564	2022	262	150	735	5	169518	947	894	373	111	200	33	4	15·32

35 69 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos. 1 to 21	69	228	0	297	34	146	27	0	90	0
,, Ditto ,, 22 to 25	102	1388	0	1490	14	4145	114	0	217	3
1 P. S. A. ditto nos 1 to 21	61	473	19	553	0	337	157	0	59	0
,, Ditto ,, 22 to 25	3	294	12	309	0	302	0	0	7	0
Sudder Ameen, .. (None),	0	0	0	0	0	0	0	0	0	0
4 Moonsiffs, ...	320	2485	0	2805	0	1616	840	0	349	2
Total, ..	555	7868	31	8454	48	6546	1138	0	722	5

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
1 Moonsiff Jounpore,	2280	0	0	1252	10	0
2 Do. Jounpore,..	1680	0	0	1250	4	0
Do. Muchleeshehur,	1680	0	0	1902	0	0
Do. Mooftee Gunj,	1680	0	0	1186	12	0
Total, ..	7320	0	0	5591	10	0

73. Of the few cases, whether regular or miscellaneous, which had been on the several files for more than a year when 1846 came to a close, but one remained undisposed of at the date of the Judge's report—a fact, from which it may be inferred, that delay injurious to the interests of litigant parties is not permitted to occur in the disposal of business. The several officers engaged would seem to have exerted themselves successfully to discharge their respective duties with regularity and expedition, and all, more or less, receive commendation for their diligence from their immediate superior, the Judge.

No delay occurs in the disposal of business in this district.

74. The preceding tables suggest one remark, which is applicable to the three other districts comprised within the Benares *province*, as well as to this, and may perhaps be thought worthy of notice. In those parts of the country which have been more recently annexed to the British dominions, and have been for a comparatively short period subject to the British Government, the litigation consists chiefly of suits on bond, or those arising out of petty mercantile transactions, which are simple in their nature and admit of easy adjudication. In the Benares province, on the other hand, claims relating to land or other real property form a much larger proportion of the business brought before the Civil Courts, and in this district they compose more than half the entire number of cases instituted within the period under review. There can be no question that, owing either to the variety of landed tenures in this country, and the comparative ignorance which prevails in respect of them, or to the numerous and complicated interests usually involved, all claims, connected with real property, present questions of very great difficulty, calling for much knowledge and judgment and care also in their determination, inasmuch as the principle established by one decision on such claims may probably govern the adjudication of a whole class of cases. These considerations should, in justice, be borne in mind, in estimating the character and the services of the judicial officers attached to this and the other districts composing the province of Benares, the permanently settled portion of the Benares division.

The tables shew that in this, as in other districts of the Benares province, suits for real property are comparatively numerous,

and these, the Court think, are of more importance and greater difficulty than those which compose the bulk of litigation elsewhere.

This fact should be borne in mind.

75. Mr. R. J. Tayler administered the Judge's office throughout the year, with the exception of one month, and has submitted the statements with a report which calls for no comment. He confined himself, as shewn above, to the adjudication of appeals, and seems in no case to have acted on the provisions of Regulation VI. of 1832. The issue of appeals heard by the Court from his decisions is exhibited in the 15th and 16th columns of the table No. 2.

Mr. R. J. Tayler, the Judge, heard appeals only, without using Regulation VI. of 1832.

76. The miscellaneous work, represented in table No. 3, includes the complete execution of 482, and the partial settlement of 199 decreed claims.

Table No. 3, includes execution of decree cases.

ZILLAH MIRZAPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ..	377	123	24	1634	3	983	178	58	412	0	238010
1846, ..	412	1251	33	1699	13	1090 *	146	105	345	1	206975
Increase, ..	35	21	9	65	10	107	0	47	0	1	0
Decrease...	0	0	0	0	0	0	32	0	67	0	31035

* Of which *Ex parte*, .. 118
Confession of judgment, 200
— 318
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings,.. 194 *days.*
Session & Criminal Sittings,.. .. 30 ,,
‡ 6 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds contracts, wages, &c.	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge, Mr. A. P. Currie, .. Orgls.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
.. Appls.	18	130	0	148	0	131	0	0	17	0	10961	0	0	4	4	0	0	0	3·05
PSA. Mr.J.Campier, Orgls.	72	138	7	217	0	114	11	25	67	1	179034	36	102	‡41	11	32	0	0	27·33
Appls	0	0	0	0	0	0	0	0	0	0	0	0	0						
Sudder Ameen, .. (none), *Moonsiffs.*	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mr S. McGowan, Mirzapore,	183	357	4	544	0	302	93	49	100	0				47	14	29	0	0	10·58
Mr. R. Garland, Chunar, ..	58	327	16	401	1	248	32	28	92	0	16980	305	681	26	4	19	0	0	8·44
Heeralall, Mirzapore, ..	81	302	6	389	12	295	10	3	69	0				22	3	22	0	0	7·14
Total, ..	412	1254	33	1699	13	1090	146	105	345	1	206975	341	783	140	39	102	0	0	10·43

27·65 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos. 1 to 21	46	270	0	316	39	226	27	0	24	0
,, Ditto ,, 22 to 25	31	1235	0	1266	6	1250	2	0	8	0
1 P. S. A. ditto nos. 1 to 21	162	521	36	719	0	478	74	0	167	0
,, Ditto ,, 22 to 25	23	854	6	883	0	855	1	0	27	0
Sudder Ameen, (none),	0	0	0	0	0	0	0	0	0	0
3 Moonsiffs, ..	236	1516	0	1752	0	939	620	0	193	1
Total, ..	498	4396	42	4936	45	3748	724	0	419	1

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Mirzapore,	2280	0	0	1732	0	0
Ditto Chunar, ..	1680	0	0	1364	12	0
2nd Ditto Mirzapore,	1680	0	0	1317	4	0
Total, ..	5640	0	0	4414	0	0

77. Owing to the sudden death, early in the current year, of Mr. A. P. Currie, who presided in the Judge's Court at Mirzapore throughout 1846, the Court have received no report on the administration, nor any remarks explanatory of the details represented in the tabular returns. The Court are satisfied with the results which they exhibit, as well in the miscellaneous, as in the regular department, and they have little to add in elucidation thereof. They observe that, as in the other districts of the Benares province, so in this a considerable proportion of the suits brought before the Courts have reference to rights in land or other real property, and that the usual result, viz. a larger proportion of appeals to decisions has occurred. All the appeals that went to trial were determined by the Judge, who was able to dispense with the Principal Sudder Ameen's aid in this department of work, and the issue is exhibited in the last columns of the second table.

The sudden death of the Judge has deprived the Court of his report, but the tables shew satisfactory results.

78. In the miscellaneous business is included, the complete execution of 434 decrees, and the partial enforcement of 163 others, while 257 cases of the same sort were struck off on default. There has been no want of activity in this department.

Execution of decrees.

79. The Court are not aware of any other circumstance that calls for notice, as connected with the administration of Civil justice in this district during the past year.

No further remarks called for.

NOTE.—Since the above remarks were written, a report has been received from Mr. Currie's successor; but it suggests no remark.

ZILLAH BENARES.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pendg. at the end of each yr	10 Cases pendg. beyond 1 yr.	11 Value of original suits, and appeals pending on 31st December.
1845, ...	677	2193	460	3330	390	1790	120	215	815	4	701150
1846, ...	815	2140	485	3440	414	1855 *	194	178	799	9	523211
Increase, ...	138	0	25	110	24	65	74	0	0	5	0
Decrease,....	0	53	0	0	0	0	0	37	16	0	167939

* Of which *Ex parte*, .. 263
Confession of judgment, 276
589
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 164 *Days*
Session & Criminal Sittings, .. 130 ,,
‡ 20 to S. D. A.

Names and designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn of suits*		*Result of Appeals*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge, Mr. J. T. Rivaz, ..	Orgls	0	2	4	6	3	0	0	0	3	0	14189	1	1	0	0	0	0	0	0
	Appls	136	292	4	432	117	171	15	2	127	1	82714	0	0	3	3	0	0	0	1 59
P. S A. Moulvee Jumeelooddeen,	Orgls	76	117	44	237	2	136	10	33	56	1									
	Appls	0	0	88	88	0	45	4	3	36	0	361215	84	71	‡104	35	35	4	1	29 79
Addl P.S.A Pundit Dyaram, ..	Orgls	45	38	1	84	35	41	3	5	6	0									
	Appls	40	0	29	69	0	67	2	0	0	0	1234	0	0						
S. A Dubey, Joulapershad, Benares, ...		0	57	201	258	4	140	9	4	101	0	33147	30	27	15	0	3	0	0	9·8
Moonsiffs																				
Dobey Joulapershad, and Emamooddeen, Juggutgunj, ...		133	416	10	559	67	343	19	35	95	0				37	9	30	1	1	9 31
Banee Lall, Chandnee chouk		118	542	6	723	106	381	51	57	129	0	40712	566	1068	37	21	31	5	0	7·78
Furzund Ulee, Surai Mogul,		141	292	8	441	2	269	34	5	131	0				47	17	30	2	0	15 45
Hussun Rezah, Secrole,.		126	384	38	548	78	263	47	34	121	7				75	40	35	9	3	23·07
Total, ..		815	2140	487	3440	414	1855	194	178	799	9	533211	681	1167	318	125	164	21	5	14·29

43 25 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos 1 to 21	169	721	11	901	215	497	66	0	128	0
,, Ditto ,, 22 to 25	108	5190	8	5205	171	4930	40	0	89	0
2 P. S. A do nos. 1 to 21	298	566	221	1085	167	564	200	0	148	6
,, Ditto ,, 22 to 25	92	1232	55	1379	19	1322	20	0	18	0
1 S. A., ...	0	576	0	576	7	388	57	0	124	0
4 Moonsiffs, ...	567	3357	0	3924	70	2563	820	0	465	0
Total, ..	1234	11542	298	13074	651	10242	1213	0	966	6

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amount realized by sale of stamps.		
Moonsiff Juggutgunj,	1680	0	0	1652	0	0
Ditto Chandnee chouk,	1680	0	0	2042	0	0
Ditto Surai Mogul, ..	2280	0	0	1101	14	0
Ditto Secrole, ..	1680	0	0	1266	6	0
Total, ..	7320	0	0	6062	4	0

80. The Court are not aware that any remarks, in illustration of the results represented in the foregoing tables, are required; it is obvious from the entries that the diligence of all the officers engaged has been in due proportion to the income of business, and that, whatever the quality of their work, no fault can be found with the quantity disposed of. Nearly all the regular cases of longer standing than a twelvemonth had been disposed of at the date of the Judge's report, and those, appertaining to the miscellaneous department, concerned the execution of decrees of the Sudder Dewanny Adawlut, and appeared by the last quarterly returns to have been conducted with regularity and discretion. It may perhaps be premature to express an opinion just yet, but there is no ground to infer from the favorable aspect of business, as represented above, that the change in the constitution of the judicial agency at Benares, which resulted from the correspondence noted below* has been otherwise than beneficial in its effects. With the decrease of expenditure there would seem to have been no decrease of efficiency, and even if, as in the course of the year was proposed by Mr. Rivaz, the Juggutgunj Moonsiffee had been abolished, and its jurisdiction incorporated with those of the other Courts in and about the city, no injury probably would have ensued. The Court, however, thought at the time that it savoured of precipitation, immediately after the removal of the Additional Principal Sudder Ameen, to venture on the dangerous experiment of still further reducing the strength of the judicial establishment in the lower grades, and they accordingly rejected the application. On this subject it is only necessary to state that Pundit Dyaram, Additional Principal Sudder Ameen, retired from the public service on the 14th July, and Doobey Joala Pershaud took his seat as Sudder Ameen of Benares on the following day.

The Court need only state, that the officers employed have exhibited sufficient industry;

the arrear being small and unimportant.

No injury has resulted from change in constitution of judicial agency, alluded to in correspondence,

but the Court were unwilling to venture on the experiment of a still further reduction, as proposed by Judge.

On additional Principal Sudder Ameen's retirement, the newly appointed Sudder Ameen took his seat.

81. The Government will observe, that considerably more than one-third of all the regular suits, instituted in 1846, related to real property, while in the more northern districts the proportion is much smaller—a fact which may perhaps in some measure account for the unusually large number of decisions, that were reversed or modified in the local appellate Courts. In the miscellaneous work is comprised the complete execution of 491 decrees, and the partial settlement of 344 adjudged claims: there seems to have been no want of activity in this department.

More than one-third the regular suits related to real property, which may account for numerous reversals in appeal.

82. In regard to the adjustment of the records, which was alluded to in the 136th paragraph of the last Report, the Court deem it sufficient to refer to the correspondence† which has passed on this subject, and to state their belief, that the funds liberally placed at the disposal of the Judge have been rightly appropriated, and that the work, so far as it has proceeded, has been properly done. With a small balance of the sum allowed (rupees 1000) in hand, Mr. Rivaz judged it prudent to dismiss the extra establishment entertained for the purpose, and to depend for the completion of what little remained to be done on the ministerial agency at his command.

Correspondence regarding records referred to.

83. There is no subject of general interest or importance discussed in Mr. Rivaz's report, nor during the past year has any correspondence passed which it would be useful to recapitulate, with one exception, relating to the indiscriminate practising of pleaders both in the Principal Sudder Ameen's and in the Judge's Courts. The letters‡ referred to are printed in the Appendix (C) in continuation of the extract from the Court's proceedings, which appeared in Appendix (L) to the Civil Report for 1843.

Correspondence regarding the practising of pleaders both in the Judge's and Principal Sudder Ameen's Courts simultaneously, is published in Appendix.

* My letter, No. 281, dated 10th Feb., 1845.
Your reply, No. 915, dated 7th March, ditto.
My letter, No. 588, dated 28th idem, ditto.
Your reply, No. 1526, dated 15th April, do.
My letter, No. 62, dated 27th April, 1846.
Your reply, No. 1989, dated 14th May, 1846.

† My letter, No. 526, dated 6th April, 1846.
Your reply, No. 1716, dated 27th idem
My letter, No. 160, dated 11th Febr., 1847.
Your reply, No. 1160, dated 12th March.

‡ From Judge of Benares, No. 251, dated 3rd December, 1846.
To Cal. Court, No. 10, dated 4th Jan., 1847.
From Cal. Court, No. 144, dated 29th idem.
To Cal. Court, No. 262, dated 9th March.
From Cal. Court, No. 470, dated 26th idem.
To Judge of Benares, No. 510, dated 17th April.

ZILLAH GHAZEEPORE.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts.	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pending beyond one year.	11 Value of original suits and appeals pending on 31st December.
1845, ...	825	3791	443	5059	367	3157	126	398	1011	0	356200
1846, ...	1011	3429	274	4714	252	2904 *	160	343	1055	0	434127
Increase, ..	186	0	0	0	0	0	34	0	44	0	77927
Decrease,..	0	362	169	345	115	253	0	55	0	0	0

* Of which *Ex parte*, .. 562
Confession of judgment, 473
——1035
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

†Civil Sittings, 189 *days*
Session & Criminal Sittings, .. 36 ,,
‡ 7 to S. D. A.

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descriptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge, Mr. A. C. Heyland, { Orgls	0	1	0	1	0	0	0	0	1	0	144	0	1	0	0	0	0	0	0
{ Appls	185	728	7	920	201	429	14	7	269	0	70546	0	0	2	2	0	0	0	·44
P. S. A. Mlvee. Mohd. Zuhoor, { Orgls	91	110	21	222	0	138	4	8	72	0	271810	64	46	‡65	28	37	1	2	19·28
{ Appls	99	0	201	300	5	182	2	3	108	0	9351	0	0						
S. A. Mr. James Kirk, Ghazeepore, ..	64	167	0	231	3	147	5	9	67	0	41670	84	83	76	17	28	1	2	47 2
Moonsiffs.																			
Mr. J. Kirk, Ghazepore.	112	410	31	553	11	360	20	69	93	0				99	15	53	5	3	22·04
Sheik Ahmed Ally, Sydepore, ...	136	426	2	564	24	320	58	50	112	0				74	20	36	1	0	17·28
Abdool Ruhman, Bulleeah, ...	148	552	6	706	2	443	34	51	176	0	40606	1040	1383	129	36	78	5	3	24·43
Besheshur Dial, Mohomedabad, ...	90	630	2	722	4	518	16	67	87	0				191	18	149	3	0	30·26
Syud Ahmed Ally, Rusreh	86	405	4	495	2	337	7	79	70	0				103	30	71	1	1	24·34
Total, ..	1011	3421	274	4714	252	2904	160	343	1055	0	434127	1188	1513	739	166	452	17	11	21·69

26·86 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs nos 1 to 21	48	406	0	454	32	357	10	0	55	0
,, Ditto ,, 22 to 25	21	4216	0	4237	1	4216	7	0	13	0
1 P.S.A.ditto nos 1 to 21	52	337	30	419	0	280	84	0	55	0
,, Ditto ,, 22 to 25	10	401	1	412	0	403	0	0	9	0
1 Sudder Ameen, ..	148	2216	5	2369	0	1899	275	0	195	0
4 Moonsiffs, ...	239	2624	1	2864	4	2154	432	0	274	0
Total, ..	518	10200	37	10755	37	9309	808	0	601	0

No. 4.

Statement of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.

Moonsiffees.	Cost.			Amt. reald. by sale of stamps.		
Moonsiff Ghazeepore,	396(	0	0	9997	14	0
Ditto Sydepore, ..	2280	0	0	1892	0	0
Ditto Bulleeah, ..	1680	0	0	2658	12	0
Ditto Mohomedabad,	1680	0	0	2484	0	0
Ditto Rusreh, ..	1680	0	0	1835	8	0
Total, ..	11280	0	0	18868	2	0

84. The Judge, Mr. A. C. Heyland, reports, that he is satisfied with the manner in which the duties of all the Courts subordinate to him have been conducted during the past year, and adds, as a proof of the expedition with which the business was disposed of, that the majority of the 1055 suits, which awaited decision at the close of 1846, were instituted within the last three months of that period. If there has been a falling off in the quantity of work despatched, it is attributable to a decrease in the income of regular business, to the absence of the Principal Sudder Ameen for one month,* and to the adjournment of the Civil Courts for a longer period than usual, on account of vacations. Another circumstance, not noticed in that light by the Judge, may have contributed to this effect, viz. the large proportion of cases which are cognizable only by the Judge and Principal Sudder Ameen, and which "composed nearly a moiety† of the whole arrear pending at the close of the year under review; in order to relieve the superior local Courts from this pressure, additional‡ agency (the permanency or otherwise of which is to be determined after the lapse of a twelvemonth) has been solicited, and granted by the Government in the person of Mohumud Suleem, who has been recently appointed 2nd Principal Sudder Ameen at Ghazeepoor.

Judge declares himself satisfied with the conduct of business in the Courts subordinate to him,

but omits to advert to the heavy files in his own and the Principal Sudder Ameen's Court, which have rendered temporary aid necessary.

85. In all the Courts 1554 decrees were carried out, 1156 to full, 398 to partial execution, and 725 applications were struck off, owing to the failure of the holders to proceed as required by established rules.

Execution of decrees.

86. No subject of general interest is touched upon in the Judge's report, nor during the past year has any correspondence passed, the particulars of which it would be useful to recapitulate in this place. There is but little reason, as Mr. Heyland states, for remark, "in consequence of the regular and satisfactory manner, in which the duties have been performed, calling for no animadversion, correspondence or reference." The Court presume, that the question of the inadequate allowances received by the Moonsiffs on account of establishments, must be considered to have been set at rest by the remarks recorded§ by the Hon'ble the Lieutenant Governor on their Report for 1845. These remarks, with the observations of the Court in reply, are recited below for general information.

The satisfactory conduct of business, generally, leaves no room for further remark.

The Court consider the question of the inadequate allowances received by Moonsiff's amlah to have been set at rest by orders of Government cited.

"Para. 8. The inadequacy of the sum allowed for the establish-
"ment of each Moonsiff (40 rupees per mensem) is noticed by Mr.
"Thomas, the Judge of Bareilly, and is adverted to by the Court in
"several passages of this Report. Several of the other Zillah Judges,
"in whose opinion the Lieutenant Governor is inclined to place confi-
"dence, have submitted representations on the same subject. The Lieu-
"tenant Governor is not however disposed at the present moment to
"press this subject on the notice of the Government of India, and
"would rather direct the attention of the Court to reduce the enormous
"quantity of matter which the Moonsiffs often very unnecessarily crowd
"into their proceedings."

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* My letter, No 875, dated 8th June, 1846.
Your reply, No. 2613, dated 23rd June.

† Note.—Of 1055 pending cases, 450 were of this nature

‡ My letter, No. 1806, dated 14th December, 1846.
Your reply, No. 122, dated 14th January, 1847.
My letter, No. 104, dated 26th January, 1847.
Your reply, No. 797, dated 20th February, ditto.
My letter, No. 392, dated 27th March, ditto.
Your reply, No. 1751, dated 8th April, ditto.

§ *Vide* Para. 9th of your letter, No. 960, dated 26th February, 1847.

Extract (paragraph 6th) from Court's letter, No. 368, dated 6th March, 1847, in reply.

"It is a source of regret to find, that the Hon'ble the Lieutenant Governor is unwilling, notwithstanding the unanimous opinion of all who have alluded to the point, to advocate an increase of the sum allowed to Moonsiffs for stationery and ministerial establishment; its insufficiency is a fact, established by unexceptionable testimony, and it is an evil which cannot be removed by any practicable reduction in the number or the matter of the Moonsiff's proceedings. The proceedings, technically, consist of the pleadings, the notices and proclamations to parties, the oral evidence and documents filed by them, and the final decree, in which the judgment recorded under Act XII. of 1843 is incorporated. The pleadings, being prepared by the parties themselves, or their vakeels, can have no effect on the labors of the Moonsiff's amlah; the notices and proclamations cannot be reduced either in matter or in number without an infraction of the law, nor can the Moonsiff refuse, except for very sufficient reasons, to receive the evidence of witnesses, named by the parties, without a violation of the first principles of justice. The mere reception, and annexation to the record of documentary papers involves but little labor, and the final decree, therefore, is that to which, the Court presume, his Honor alludes, as having 'unnecessarily crowded' into it an 'enormous quantity of matter.' It is possible, that in some instances these decrees may have been found to exhibit the pleadings in detail, instead of shewing only the material facts, alleged therein, and to be in other respects needlessly diffuse and prolix, but the correction of these errors, (which it is hoped will be brought about by the recent* Circular Order on the subject) will have little effect in reducing the labor of the Moonsiff's amlah. The Court have endeavored by that Circular to restrict the matter to be recorded in the decree, to that which is either required by law, (section 40, Regulation XXIII. of 1814), or is absolutely necessary for the information of the appellate Courts; but they are satisfied that if these rules be expected to increase the efficiency, or rather to cure the inefficiency of the Moonsiff's ministerial establishments, the result will disappoint expectation. It is not the matter, relevant or irrelevant, much or little, contained in one or half a dozen decrees, that creates the great pressure of work, which all complain of, but it is the great *income* of Civil business, which obliges the Moonsiffs, in order to keep pace with it, to decide 25 and 30, in some instances 50 and 60 regular suits in each month, besides disposing of the various miscellaneous cases which come before them, and which must always bear a certain proportion to the income of regular business. It must not be overlooked that, in order to prevent improper delay in the preparation of decretal orders, the Moonsiffs are required by Circular Order, No. 49, dated 20th September, 1839, to forward to the Judge's office the record of all cases, decided in the month, within ten days of its close, (and this is a precaution which the Court cannot consent to forego), and that by Circular Order, No. 820, dated 6th June last, they are called upon to keep up a set of Register Books, a precaution, which cannot be foregone without putting an end to regularity in the transaction of business. Since the amount allowed for the Moonsiff's establishment was fixed, their powers have been enlarged, their duties have increased both in importance and in extent, and nothing but an augmentation of the allowance in question, the Court are convinced, can enable the Moonsiffs to contend successfully with the pressure of work, except by recourse to expedients, which the Hon'ble the Lieutenant Governor would be the first to condemn."

* *Vide* Gazette of 2nd March, 1847.

ZILLAH KUMAON.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pendg. beyond 1 yr.	11 Value of original suits and appeals pending on 31st December.
1845, ...	1768	7721	2797	12286	2751	2291	4534	1196	1511	0	85256
1846, ...	1511	5845	908	8264	871	2397 *	2898	550	1548	1	62114
Increase, ..	0	0	0	0	0	106	0	0	37	1	0
Decrease,..	257	1876	1889	4022	1885	0	1636	646	0	0	23142

* Of which *Ex parte*, .. 290
Confession of judgment, 225
515
Exclusive of those decided by the Commissioner in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil Sittings, 189 *days*
Session & Criminal Sittings, .. 34 ,,

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
	1	2	3	4	5	6	7	8	9	10	11	Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	12	13	14	15	16	17	18	19											
Comr Mr. G. T. Lushington, .. Orgls	1	22	1	24	21	1	1	0	1	0	12	10	12	0	0	0	0	0	0
Appls	174	293	24	491	0	349	20	22	100	1	8010	0	0	0	0	0	0	0	0
Senr. Ast. Kumaon.																			
Mr. J. H. Batten, Orgls	55	506	28	589	165	63	129	33	199	0	11061	284	222						
Appls	121	286	14	421	11	153	29	5	223	0	6861	0	0	168	13	106	6	2	40·77
Senr. Ast. Gurhwal.																			
Capt. H. Ramsay, Orgls	58	1386	46	1490	605	288	331	86	177	0	10500	619	767						
Appls	29	135	2	166	1	109	12	2	42	0	680	0	0	139	30	120	14	5	16·72
Junior Asst. Kumaon.																			
Mr. J. Strachey, Orgls	46	517	71	634	0	86	416	16	116	0	5953	105	412						
Appls	1	0	1	2	2	0	0	0	0	0	0	0	0	33	31	53	1	13	6·37
Sudder Ameen Kumaon.																			
Sibchurn Singh, Orgls	396	1090	78	1564	24	433	623	96	388	0	12381	501	586						
Appls	0	0	0	0	0	0	0	0	0	0	0	0	0	178	30	83	17	2	15·45
Sudder Ameen Gurhwal,																			
Sree Lochun Joshee, ... Orgls	306	653	287	1246	18	304	698	88	138	0	2840	124	529						
Appls	2	0	0	2	0	2	0	0	0	0	0	0	0	81	27	35	6	2	7·41
Moonsiffs.																			
Buldeo Joshee, Kumaon,	112	485	46	643	13	357	90	87	96	0	2751	105	8 0	87	5	31	11	5	16·29
Sewanund Kundorec, Gurhwal, ...	210	472	310	992	11	252	546	115	68	0	1065	26	44	56	13	36	6	0	6 13
Total, ..	1511	5845	908	8264	871	2397	2898	550	1548	1	62114	1777	3304	742	149	464	61	29	12 69

24 3 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Comr., headgs. nos. 1 to 21	48	145	4	197	1	176	2	0	18	0
Ditto ,, 22 to 25	0	20	0	20	0	20	0	0	0	0
2 Sr.Assts. do. ,, 1 to 21	93	745	7	845	367	274	152	0	52	0
Ditto ,, 22 to 25	0	169	0	169	0	169	0	0	0	0
1 Jr. Asst. do. ,, 1 to 21	58	650	59	767	0	329	224	0	214	0
Ditto ,, 22 to 25	0	103	0	103	0	103	0	0	0	0
2 Sudder Ameens, ...	125	314	0	439	6	242	122	0	69	0
2 Moonsiffs, ...	0	0	0	0	0	0	0	0	0	0
Total, ..	324	2146	70	2540	374	1313	500	0	353	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amnt. reald by sale of stamps.		
Moonsiff Kumaon, ..	840	0	0	*6439	4	0
Ditto Gurwal, ..	840	0	0	† 580	0	0
Total, ..	1680	0	0	7019	4	0

* *Kumaon.* On acct. Stamps, .. 5192 4 0
Ditto Russoom, .. 1247 0 0
6439 4 0

† *Gurwal.* On acct. Stamps, ... 244 0 0
Do. Russoom, ... 336 0 0
580 0 0

The falling off in suits instituted, and in the number adjusted and dismissed, is remarkable,

87. The most remarkable features in the preceding tables are the great falling off in the amount of Civil business instituted, and in the number of suits "dismissed on default" and "adjusted or withdrawn." The Commissioner, in respect to the former, conceives that the "re-introduc- "tion of stamps may be assumed as the cause of this remarkable falling off "in the number of institutions, and the corresponding (or consequent) "decrease of dismissals by default may perhaps justify the conclusion, that "groundless litigation has been checked by the new system, and that "though much fewer suits are instituted under it, a far larger proportion "of suits so instituted, is worthy of decision, than was the case formerly." Mr. Ramsay, the Senior Assistant in Gurhwal, attributes the fact to the same cause, and the Court are disposed to form a similar conclusion; but they prefer to suspend their judgment as to the effect of the change until the experience of another year or two affords more certain data. The measure, as Government are aware, was in operation for 6 months, and therefore a qualified opinion only can be expressed, viz. "that *if* the "above inference can be fairly deduced from the premises, we may "safely consider the change in question to be beneficial," (vide para. 4th Commissioner's report). The decrees in the number of adjusted suits may be traced, the Court think, with some shew of reason to the effect of their Circular Order, dated 23rd January, 1846, which defined the law regarding the restitution of stamp duty on plaints and petitions of appeal to plaintiffs and appellants, in suits amicably adjusted, and which has been referred to elsewhere as the cause of similar results in other districts of these provinces. This circumstance will also, in all probability, have contributed to the reduction observable in the number of suits instituted; and that real substantial claims have not been barred either by the re-introduction of stamps or the restrictive rule of the Circular Order in question, may be assumed from the fact of decisions on trial having been more numerous during the past, than the preceding year, when more suits by 1876 were instituted than in 1846.

and is thought to be with reason attributable to the re-introduction of stamps,

and to the operation of Circular Order, dated 23rd January, 1846, before cited.

At the end of 1846, the files were in good order.

88. When the year ended, the files of all the Courts were in good order, exhibiting no arrear worthy of notice. The miscellaneous business relates almost entirely to the execution of decrees, of which 636 were fully, and 167 partially enforced, 484 applications besides having been struck off on default of the decree-holders to proceed.

Mr. Strachey has been, at the Commissioner's recommendation, invested with Senior Assistant's powers.

89. Mr. Lushington continues to entertain a high opinion of his Assistants Messrs. Batten and Ramsay; and Mr. Strachey, who succeeded the latter in the office of Junior Assistant in Kumaon, has during the year acquired so much experience in the Civil Court, and a familiarity with the language of the province, which he did not previously possess, that the Court have deemed it fitting, at the recommendation of the local officers, to invest him with the powers of a Senior Assistant, as described in clause 2, section 1, and the subsequent provisions of the rules for the administration of Civil Justice in Kumaon. No change of incumbency has occurred in the Sudder Ameens' and Moonsiffs' offices, and the opinions of their superiors in regard to their qualifications remain unaltered, and may be found recorded in former Reports.

90. No other remarks are called for by the papers before the Court, or by the correspondence which has passed during the year 1846.

ZILLAH SIMLAH.

No. 1.—Comparative Statement.

	1 Pending at the beginning of each year.	2 Instituted.	3 Received by transfer.	4 Total.	5 Transferred to other Courts	6 Decided on their merits.	7 Dismissed on default.	8 Adjusted or withdrawn.	9 Pending at the end of each year.	10 Cases pendg. beyond 1 yr.	11 Value of original suits and appeals pending on 31st December.
1845, ..	2	822	0	824	0	436	251	136	1	0	2902
1846, ..	1	570	0	571	0	302 *	184	83	2	1	2905
Increase, ..	0	0	0	0	0	0	0	0	1	1	3
Decrease, ..	1	252	0	253	0	134	67	53	0	0	0

* Of which *Ex parte*, .. 77
Confession of judgment, 36
113
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of Work performed by the several Judicial Officers.

† Civil and Sessions Sittings, .. 220 *days.*

Names and Designations of officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Descrptn. of suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge, Hon'ble J. C. Erskine, ..	Orgls 1	2	0	3	0	1	0	1	1	1	2902	0	2	0	0	0	0	0	0
	Appls 0	23	0	23	0	22	0	0	1	0	3	0	0	0	0	0	0	0	0
P.S. A. Mr. B. Hodgson, ..	Orgls 0	545	0	545	0	279	184	82	0	0	0	3	542	23	7	15	0	0	4·22
	Appls 0	0	0	0	0	0	0	0	0	0	0	0	0						
Total. ..	1	570	0	571	0	302	184	83	2	1	2905	3	544	23	7	15	0	0	4·04

31·81 per cent. reversals.

No. 3.—Miscellaneous.

		1	2	3	4	5	6	7	8	9	10
Judge, headgs. nos.	1 to 21	1	3	0	4	0	4	0	0	0	0
Ditto ,,	22 to 25	0	33	0	33	0	33	0	0	0	0
1 P.S.A. ditto ,,	1 to 21	0	122	0	122	0	122	0	0	0	0
Ditto ,,	22 to 25	0	1174	0	1174	0	1174	0	0	0	0
Sudder Ameen,	(none), ..	0	0	0	0	0	0	0	0	0	0
Moonsiffs,	(none), ..	0	0	0	0	0	0	0	0	0	0
	Total, ..	1	1332	0	1333	0	1333	0	0	0	0

No. 4.

Statement *of cost incurred in the maintenance of the subordinate Judicial establishments, and amount realized by sale of stamps.*

	Cost.			Amount realized by sale of stamps.		
Moonsiffees						
(None), ..	0	0	0	0	0	0
Total, ..	0	0	0	0	0	0

Civil business consists chiefly of actions for debt, &c., which originate chiefly with European residents,

and are easily disposed of by the two local Courts.

91. Beyond calling attention to the fact, that the Civil business in this jurisdiction consists almost exclusively of claims for debts on bond, wages, damages for breach of contract, and such like matters (vide columns 12 and 13, table 2), and explaining the fluctuation in the quantity thereof (vide column 2, table No. 1), brought before the Courts, by stating that it owes its origin for the most part to the European residents at Simlah, and not to the indigenous Hill men, the Court find little which calls for observation. The statements show that the work is promptly dispatched, that neither of the two Courts is at all embarrassed with its amount, and that all the applications for execution of decree, put in during the past year (amounting to 126) were followed by a full settlement of the demand; and a reference to the records of this Court confirms the truth of the prediction, contained in the 153rd paragraph of their last Report, that the orders giving certain appellate jurisdiction to the Sudder Dewanny Adawlut have been inoperative.

Suits will in future be instituted before the Assistant, who has been invested with Principal Sudder Ameen's powers.

92. Mr. Brian Hodgson was invested by the orders of Government, dated 28th August, 1846, with the powers of a Principal Sudder Ameen, and all cases will now be ordinarily instituted before him.

SUDDER DEWANNY ADAWLUT.

Names Judges with the Court in 1846,

93. Mr. Thompson was present with the Court throughout the year, Mr. Cartwright took his seat on the 10th January of the year under report, and continued to occupy his seat uninterruptedly to its close; and during the absence of Mr. Tayler from the 1st May to 1st December, Mr. A. W. Begbie officiated. The following note exhibits the number of cases disposed of, and pending before the Sudder Dewanny Adawlut in 1846:

and subjoins a note of work disposed of, and pending in 1846,

	Pending on 1st January, 1846,..		117
Admitted during the year,	Regular appeals, ...	63	
	Special appeals, ...	103	
			166
			283
Disposed of, ...	Regular appeals, ...	91	
	Special appeals, ...	100	
			191
	Remaining on 1st January, 1847,		92

And the following tables give a comparative view of the business, brought before the Court, in 1845 and 1846, and shew the cases disposed of, distributed according to the nature of the final order passed upon them. A note is added, exhibiting the years in which the several appeals that awaited decision on the 1st January, 1846 and 1847 respectively, as well as on the 1st June, 1847, were instituted. Both in the regular and miscellaneous departments there has been a large falling off in the income of business, which has been accompanied, naturally, by a decrease in the number of decisions, and followed by a reduction of arrear at the close of the year under report: it will be seen that on the 1st June instant few cases, brought on the file previous to the current year, were pending.

A considerable decrease of work in both departments is noticed.

	Regular and Special appeals.															Miscellaneous disposed of.			
	Pending on the 1st Jany.			*Admitted during the year.*			*Total before the Courts.*			*Disposed of.*			*Pending on the 31st December.*						
	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Cases.	Petitions.	Petitions of Special Appeals.	Total.
1845, ...	87	46	133	97	128	225	184	174	358	99	142	241	85	32	117	610	1397	663	2670
1846, ..	85	32	117	63	103	166	148	135	283	91	100	191	57	35	92	550	792	428	1770
Increase, ...	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0
Decrease, ...	2	14	16	34	25	59	36	39	75	8	42	50	28	0	25	60	605	235	900

	Distribution of the cases disposed of with reference to the mode of disposal.							
	Confirmed on perusal of the petition of appeal and decree of the lower Court.	Confirmed after summoning the respondent.	Reversed.	Modified.	Ordered back for re-trial or further investigation.	Dismissed on default.	Adjusted.	Total.
1845, ...	18	44	50	27	83	9	10	241
1846, ...	39	28	38	16	64	4	2	191
	+ 21	—16	—12	—11	—19	—5	—8	—50

Dates of institution of appeals pending on the 1st January, 1846 and the 1st January, 1847.

	1843	1844	1845	1846	Total.
1845, ...	1	8	108	0	117
1846, ...	0	0	14	78	92

Pending on the 1st June, 1847.

1844	1845	1846	1847	Total.
0	4	43	56	103

but that which deserves most attention is the falling off in the No. of applications for special appeal,

which is explained.

94. But the most remarkable feature in the above tables is the large decrease in the number of applications for special appeal of which only 428 were filed; notwithstanding, however, this decrease of 235 in the number of *applications*, the special appeals *admitted* were fewer only by 25, than in 1846, from which perhaps it may be inferred, that the strictness of the Court's practice, in this respect, has had the effect of impressing on the pleaders of the Court the necessity of examining the cases laid before them, and carefully considering whether there are really good grounds for a special appeal, before undertaking to institute and conduct it. If this be correct, the converse of the proposition may be assumed to be equally true, that few, if any, have been denied the benefit of the law, who were in a position to claim it. The orders, passed on the 428 applications that were filed, are shewn in the following memorandum:

Admitted.	*Rejected.*	*Struck off.*	*Total.*
103	271	54	428

Value of property under litigation stated,

95. The value of property, to which the 191 appeals disposed of related, was Rs. 25,56,283, and that at stake in the 92 which awaited decision at the close of the year, amounted to Rs. 14,05.681; the value of property under litigation before all the local Courts, when 1846 ended, was 48,03,292, which with the value of appeals before the Sudder Dewanny Adawlut, as just stated, makes an aggregate of Rs. 62,08,973:

In original suits, ...	40,95,010
In appeals, ...	21,13,963

96. The following abstract of general Statement, No. 2, shews the general result of operations in the local Courts, those in the extra regulation Provinces and the Sudder Dewanny Adawlut excluded.

	Pending on 1st January, 1846.	Instituted and received by transfer in 1846.	Total.	Transferred to other Courts.	Remaining for trial.	Decided on trial.	Dismissed and adjusted, &c.	Total disposed of.	Pending at the end of 1847.
Originals,	16889	66101	82990	4975	78015	41778	20474	62252	*15763
Appeals,	2274	9240	11514	2670	8844	5816	476	6292	2552
1846, ...	19163	75341	94504	7645	86859	47594	20950	68544	18315
1845, ...	16825	78559	95384	6398	88986	46896	22990	69886	†19163
	+2338	—3218	—880	+1247	—2127	+698	—2040	—1342	—848

* The difference between this entry and that in the total column of Statement No. 3, is attributable to an error in the preparation of the Moradabad statement, discovered too late for correction: 247 suits, which were pending in the Moonsiffees of Saheswan and Islamnugger at the time of their transfer to Bareilly, have been twice accounted for, once in the Moradabad and again in the Bareilly statement.

† In this number are erroneously included 63 suits which were pending in the Moonsiffees of Julleisur and Maat at the date of their transfer, and which instead of being represented as pending at the beginning of 1846, should have been entered under the head of "Received by Transfer."

The arrear being smaller by 848 cases at the close than at the beginning of the year under report, it seems sufficient to call attention to the decrease in the number of adjusted suits, as contrasted with the increase of decisions on trial, (which may perhaps be the effect of the Circular Order, dated 23rd January, 1846), and to add that of the suits represented as decided on trial 9036,* were disposed of, after an *ex parte* investigation, and 12,722 decreed on confession of judgment. The two items yield a proportion of 52·08 per cent. on the number of decisions on trial. Of the 18,315,† which constituted the aggregate arrear on the files of the local Courts at the end of 1846, a fractional portion only were instituted in previous years.

and an epitome of Statement No. 2 exhibiting the result of operations in the local Courts is given.

97. A table is subjoined, in which the decisions passed after trial on all the original suits (41,778) are distributed according as they were in favor of plaintiffs or defendants.

Table of the issue of original suits is subjoined.

	For Plaintiffs.	*For Defendants.*	*Total.*
Judge, ...	0	2	2
Principal Sudder Ameen, ..	1639	689	2328
Sudder Ameen, ...	3120	985	4105
Moonsiffs, ...	28908	6435	35343
	33667	8111	41778

The proportion of suits decided in favor of plaintiff is 80·5 per cent.

98. It appears from the calculations, exhibited in Statement No. 4, that the average period occupied in the disposal of each case is, in the Sudder Dewanny Adawlut and the Zillah Courts, little more than 5½ months, in the Courts of the Principal Sudder Ameens little more than 3½ months, of the Sudder Ameens less than 3½ months, and in the Courts of the Moonsiffs less than three months. One great *desideratum*, avoidance of delay, namely, in the dispatch of judicial business, has been attained, and the proportion of appeals instituted, (vide Statement No. 9) is such as to favor the conclusion that, generally speaking, substantial justice is administered.

Average period occupied in the disposal of each case in the Sudder and local Courts stated, with remarks.

99. In the Regulation Provinces 151 suits were decided with the aid of the agency provided by Regulation VI. of 1832, in regard to which the Court still entertain the opinion expressed in the 161st paragraph of their last Report. Of this number, 143 were disposed of in accordance with the verdict or award delivered. The extent, to which this law has been applied during the last three or four years, is shewn below,‡ and it is only necessary to add on this subject, that 29 cases were decided with a Punchayet and 1 with Assessors in Kumaon, while in Simla, the other extra Regulation Province under the Court's control, Assessors were employed in 8 cases.

Statement No. 7. But few cases were tried under Regulation VI. of 1832, in regard to which the Court's opinion is unchanged.

100. Statement No. 6 is designed to exhibit the different descriptions of original suits, instituted before the several local Courts within the Regulation Provinces. Referring to the statement for details, the Court desire merely to state, that of the 60,492 preferred within the year 1846, 12,802 were brought for property and possession of land, or for the asser-

Statement No. 8 shews the nature of the suits instituted,

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* Note.—The two original suits decided by the Judge being excluded.

† *Vide* Note † *supra*.

‡ 1842, ... 289.
1843, ... 165.
1844, ... 141.
1845, ... 118.

the larger portion of which, it is found, relate to debts, and other personal matters.

tion of some interest in land or other real property, while by far the larger portion, (78·8 per cent.) had reference to debts or bonds, damages, wages, banker's accounts, and other personal matters of that nature.

Statement No. 9.
An Abstract of No. 9 relative to the proportion of appeals, and their result, is given,

101. An abstract of this statement, which exhibits the number of appealable cases decided during the past year in all the Courts of the North Western Provinces, and the number and proportion of appeals instituted, with the number and proportion also of confirmations and reversals in appeal, is here given, and the remarks recorded in the 166th paragraph of the Court's last Report may be applied with equal propriety to the results which it represents, as to those which the statements for 1845 exhibited.

and calls for no other remarks than those contained in Report for 1845.

Statement No. 10.
Applications for execution of decree.
This statement exhibits the result of applications for execution of decree,

102. Including the cases remaining over from 1845, there were altogether 56,962 applications of this description before the local Courts of the Regulation Provinces during the year 1846, of which number, (deducting 1,764 transferred to other Courts), 44,909 were disposed of before its close, 15,835 by full execution of the decree, 8,487 by partial settlement of the claim, and 20,527 by dismissal on default of the decreeholder to proceed in the execution. The arrear consisted of 10,349 cases, of which 24 only were brought on the file prior to the year under report. The proceedings in this department are conducted with activity, and the want of success, which is apparent from the foregoing epitome of the statement, is mainly attributable to the neglect, whether inadvertent or other, of those whose interests are chiefly concerned in the result of the Court's operations. Instances of insolvency either complete or partial of course occur, private feelings occasionally interpose, and conventional prejudices may sometimes stand in the way; but the opinion of the Court, as

a large portion of which, are struck off owing, it is thought, to the indifference of those chiefly interested,

Officers.	Description of cases.	First and 2nd Appeals. Original suits and first appeals. Number appealable. Cases decided on full trial.	Cases decided ex parte.	Cases decided on confession of judgment.	Total.	Proportions. Col. 9 to col. 1.	Of column 9 to column 2.	Of column 9 to column 1, 2 and 3.	No. pendg. at the end of 1845 Before Sud. Dewany Adawlut. R.	S.	Before zillah authorities.	No. appld. dg the yr. 1846. To Sudder Dewany Adawlut. R.	S.	To zillah authorities.	Tot. no. under trl. dg. yr 1846 Before Sudder Dewy. Adawlt. R.	S.	Before zillah authorities.	Number confirmed. By Sudder Dewany Adawlut. R.	S.	By Judge.	By Princpl. Sudder Ameen.	Total.	Number modified or reversed. By Sudder Dewany Adawlut. R.	S.	By Judge.	By P. S. Ameen.	Total.	Total decided during the yr. By Sudder Dewany Adawlut. R.	S.	By zillah authorities.	Proportion of confirmations to number tried.
106 Moons. 17 S. A. 26 P.S.A. 21 Judges.	Or. suits.	16,262	7,897	11,793	35,952	32·92	22·2	14·92	0	0	1,665	0	0	5,365	0	0	7,030	0	0	1,777	1,386	3,113	0	0	745	793	1,538	0	0	4,651	66·93
	ditto	2,982	1,014	848	4,844	31·32	23·37	19·28	0	0	389	0	0	934	0	0	1,323	0	0	228	221	449	0	0	150	119	269	0	0	718	62·53
	ditto	2,214	488	332	3,044	24·4	21·27	20·41	83	6	547	61	29	1,035	144	35	1,582	44	5	709	0	709	38	21	373	0	373	82	26	1,082	66·53
	Appeals,	2,395	69	3	2,467																										
	Or. suits.	4	0	0	4	1·9	1·9	1·9	2	26	0	2	74	0	4	100	0	2	116	0	0	0	1	58	0	0	0	3	74	0	23·97
	Appeals.	3,982	0	0	3,982																										
	Total,	27,839	9,468	12,986	50,293	26·34	19·65	14·58	85	32	2,601	63	103	7,334	148	135	9,935	46	21	2,714	1,557	4,271	39	79	1,268	912	2,180	85	100	6,451	66·2

above expressed, is warranted by experience and by the fact that, of the 56,962 before the Courts, 15,808 were "readmitted" applications. The renewal of an application for execution in the Moonsiffs' Courts involves no expense.

because the renewal of an application costs nothing.

103. The statement, which exhibited the result of appeals to the Sudder Dewanny Adawlut from the decisions of individual officers, has been dispensed with on the present occasion, because the information which it conveyed may be now gathered, collectively, from the General Statement No. 1, and in detail from No. 9 and the tables, which, as appertaining to each district, are incorporated with the Report. Of 185 admitted appeals that were decided by the Court on trial, a proportion of 34·6 per cent. were remanded for re-trial or re-investigation, 36·2 ended in confirmation of the decision passed by the lower Court, and the remainder in its modification or reversal. A table is, as heretofore usual, subjoined to shew the manner in which the power of remanding suits for re-trial has been exercised by the lower Courts, on whom it was conferred by Act VII. of 1838.

Detailed statement of appeals to S. D. A. has been dispensed with for reasons stated;

and a statement of the general result is thought sufficient.

Table of remands by Judge and Principal Sudder Ameen subjoined.

Zillahs.	1844.			1845.			1846.		
	By the Judge.	By the P. S. A.	Total.	By the Judge.	By the P. S. A.	Total.	By the Judge.	By the P. S. A.	Total.
Delhee, ...	33	3	36	25	3	28	31	1	32
Saharunpoor, ...	36	0	36	21	0	21	8	0	8
Meerut, ...	19	4	23	8	2	10	23	0	23
Allygurh, ...	26	1	27	23	2	25	10	6	16
Moradabad, ...	4	2	6	1	15	16	6	8	14
Bareilly, ...	40	1	41	8	6	14	13	9	22
Agra, ...	4	0	4	6	0	6	10	0	10
Furruckabad, ...	12	1	13	4	0	4	1	0	1
Mynpooree, ...	14	2	16	7	2	9	1	5	6
Cawnpoor, ...	20	4	24	37	0	37	32	5	37
Futtehpoor, ...	11	0	11	21	0	21	33	0	33
Bundelkhund, ...	25	6	31	15	0	15	19	0	19
Allahabad, ...	14	0	14	25	2	27	15	0	15
Goruckpoor, ...	18	2	20	7	6	13	6	4	10
Azimgurh, ...	17	14	31	16	2	18	31	4	35
Jounpoor, ...	10	6	16	7	9	16	8	1	9
Mirzapoor, ...	16	0	16	9	0	9	9	0	9
Benares, ...	27	3	30	50	1	51	37	1	38
Ghazeepoor, ...	8	2	10	52	0	52	11	0	11
Kumaon,*	50	3	53	35	8	43	21	16	37
Subathoo, ...	3	0	3	16	0	16	6	0	6
Total, ..	407	54	461	393	58	451	331	60	391

104. The miscellaneous business, dispatched in the several local Courts and the Sudder Dewanny Adawlut, is shewn collectively, and, it is thought, with sufficient fullness in the general Statements Nos. 11 and 12, which call for no explanation or remark.

Statements Nos. 11 and 12, which exhibit the miscellaneous work of the Courts, require no remark.

* In Kumaon for "Judge" Subaudi "Commissioner;" for "P. S. Ameen" ditto "Senior and Junior Assistants."

One new appointment to the office of Principal Sudder Ameen was made in the year.

105. In compliance with the desire expressed by Government in the Secretary's letter, No. 1507, dated 6th May, 1840, I am desired to announce, that the only new appointment made in the past year to the office of Principal Sudder Ameen was that of Mahomud Kurreem Koolee, Sudder Ameen and Moonsiff of Muttra in the Agra district, to be 2nd Principal Sudder Ameen of Goruckpoor, (No. 2675, dated 29th June, 1846.)

There is now no necessity for conforming to Government orders of 1834, for reasons stated;

106. The Court were directed by the orders of Government dated 15th September, 1834,* to notice briefly in their Annual Report the Circular Orders that might have been issued in the course of the year to which it should relate, but the necessity of this has been superseded by the publication of all of a permanent character in the *Government Gazette*, and the separate submission of duplicates, at the time of issue, for the information of Government; in like manner, no Act of the legislature connected with the judicial department becomes law, before a draft of the same has been laid before the Court, and their opinion on its principle and provisions delivered. Thus, there are but few subjects of any importance, which have not either been discussed in communication with Government, or resolved into the form of an authoritative rescript, before the compilation of the Annual Report, and in consequence its closing paragraphs must usually be confined to a summary of the business dispatched in the Civil Courts collectively, and a brief examination of the general statements. The results which those for the past year exhibit are not unsatisfactory: they bear unequivocal testimony to the diligence of the judicial officers; they afford a reasonable ground of belief that the functions of those officers are discharged, generally speaking, with satisfaction to the litigant parties, as well as with a due regard to existing regulations and orders; and a comparison of them with the returns of past times (say, 1837 and 1838), will shew the general improvement which has taken place in the working of the judicial system.

and therefore but few subjects remain for discussion in the Annual Report,

which must ordinarily be confined to a summary of the business disposed of:

the result is thought satisfactory on the present occasion.

The Court have given their attention to the improved working of the system,

107. It has been the endeavor of the Court during the past year to promote this object by a strict supervision, both judicial and extra-judicial, and by the promulgation of rules on various subjects of interest and importance. In connection with Act I. of 1846,† rules have been framed and issued for the examination of persons desirous of practising as pleaders in the Courts of the country, and will, it is expected, ensure a certain degree of education, intelligence and general fitness for the office on the part of those receiving certificates of qualification. The Judges have been authorized to give a retrospective effect to the rules, as regards those now holding pleaders' sunnuds, who may in their judgment be incapable of properly performing a pleader's duty, but neither this nor any other part of the instructions in question has yet come into active operation, and no conclusive opinion respecting them can be expressed. There are some who apprehend that the national dislike of submitting to an examination will exclude many respectable and well-educated men from the bar, and who argue, that this obstacle will not be so easily or so quickly overcome, as in the parallel case of the examinations for the office of Moonsiff. In the latter, the certainty,

and have passed rules having for their object to raise the qualifications and character of the pleaders.

Some object to the prescribed examination, on account of the national abhorrence of that ordeal,

* *Vide* Letter from Secretary to Government to Register Sudder Dewanny and Nizamut Adawlut North Western Provinces, No. 1824, dated 15th September, 1834, and enclosure (p. 31.)

† Circular Order, No. 1134, dated 3rd August, 1846.

sooner or later, of honorable employment and the hope of promotion and increased allowances, are sufficient to counterbalance the native abhorrence of the prescribed ordeal; while in the former the extent of practice is uncertain, the amount of remuneration is uncertain, as well as its realization, the liability to fine, and the inferior position which pleaders occupy, are distasteful; and in short, the same considerations do not exist, and consequently the same result, say the objectors to the rules under notice, will not ensue. Whether this effect will be produced, as anticipated, can be at the present time no more than matter of conjecture; but admitting, for the sake of argument, that such will be the result, the Court are prepared to counteract it either by giving the preference, in selecting men for judicial office, to those who have received certificates of qualification as pleaders, or, if this be insufficient, by declaring practice at the bar, after qualification under Act I. of 1846, a necessary preliminary to judicial employment. Such an injunction would be defensible on other grounds than those of necessity or even expediency, for it would amount to no more than an imitation of the principle which regulates the selection of men for judicial office in that country, which is distinguished above all the nations of modern times for the ability of its bar, the learning and integrity of its Judges, who have served an apprenticeship at the bar, and the completeness of its judicial system, which is sustained by the combined efforts and the reciprocal assistance both of the bar and the bench.

but the supposed effects of the rules are mere matter of conjecture at present,

and should they arise, the Court are prepared to counteract them, rather than abandon the rules

108. Act IV. of 1846 is a law which was much wanted. It is the generally received opinion, that from the time when Regulation XI. of 1822 was enacted to the date on which the Act in question became law, there was no legislative direction for the *conduct* of sales of land in execution of decree. The defect has now been supplied, and the provisions of the Act in question, together with the rules* framed under the 11th section thereof, will not only put a stop to the uncertainty and diversity of practice, which previously prevailed, but will have the effect at the same time of rendering the process of sale better adapted to its object, and more successful in its results. It does not comport with the practical purposes of this Report to indulge in merely theoretical speculations, but the Court may be permitted briefly to remark, that the periodical holding of sales, the more complete publication of the intended sale, and the more perfect information, which will be available, in regard to the property proposed for sale, no less than the limitation of the purchaser's liabilities and rights, will invite competition, and necessarily raise prices. There is reason to hope, too, that, as the course of procedure is better defined, the objections to irregularities in the conduct of sales, and consequently, to their validity, will be less frequent, and the operations of the Courts in the execution of decrees be less impeded.

The law for regulating the conduct of sales in execution of decree was much needed,

and there is reason to hope that, with the subsidiary rules, dated 11th December, 1846, it may be productive of good

109. The attention of the Court has likewise been directed to the introduction of some uniform system in the preparation of the Civil Court's decrees, and this, the Court expect, will be effected by the ope-

Rules also have been passed for the uniform preparation of the decree of the Civil Courts.

* Circular Order, No. 1859, dated 11th December, 1846.
Government Gazette No. 4, dated 26th January, 1847, page 33.

ration of the Circular Order cited below.* The needless prolixity with which decrees have been hitherto usually written, the quantity of irrelevant matter that has been inserted in them, the absence of method in their preparation, and the want of marginal references have thrown much needless labor on the ministerial officers of the Courts without aiding, to the required extent, the researches of the appellate tribunals. The rules, which have been prescribed, enjoin the insertion of so much of the pleadings only as shall suffice to exhibit the points really at issue between the parties, a reference to the documents filed and the oral evidence adduced by either party, preceded by a narrative of the circumstances under which the suit was instituted in, or referred to, the trying Court, and succeeded by a recapitulation of the grounds of decision, as recorded under Act XII. of 1843; and in doing this, they seem to the Court to do much towards the correction of the evils above adverted to. There are other parts of the rules, which would appear trifling, if considered singly, and will not therefore be mentioned in this place, but which, as forming parts of a whole, are not unimportant in themselves or in their expected effects. These orders regarding the preparation of decrees anticipate in a measure, if not as entirely as the terms of the written law will allow, the wishes of the Hon'ble the Court of Directors, as conveyed in their dispatch, dated 28th May, 1846, and received with your letter, No. 4185, dated 28th September last.

and anticipate the wishes of the Hon'ble the Court of Directors as conveyed in their dispatch, dated 28th May, 1846.

110. In obedience to the orders of Government, the publication of the English decisions, recorded by the Judges of this Court under Act XII. of 1843, was commenced on the 1st May, 1846, and subsequently (*vide* your letter No. 5255, dated 15th December, 1846,) the printing of an authorized vernacular version of these decisions was sanctioned. The measure was enjoined and directed, professedly for the purpose of "improving the working of the Sudder Court," and it was extended in the manner above explained, at the recommendation of the Court, for the purpose of rendering the opinions of the Court available to the native judicial officers for their guidance. Whether the measure was necessary for the purpose first stated, or whether that purpose has been accomplished, it would be of no practical utility to enquire; but the one fact is certain, that much more labor is thrown upon the printing establishment, and much more expense upon the Government, than there is any occasion for. The decisions of the Court, which may be of service as judicial precedents, determining some doubtful point of law, or establishing some important rule of practice, or explaining and asserting the binding nature of some usage, either general or local, are those only which in the opinion of the Court should be printed. At any rate, those above indicated are those only which can be useful as guides to the lower Courts. It should also be observed, that the same points frequently form the grounds of appeal to the Sudder Dewanny Adawlut, and will, it is to be presumed, be generally determined in the same manner. The publication of several judgments, ruling the same points in the same manner, can be of no utility, whether its effect on the working of the Sudder Dewanny Adawlut, or of the lower Courts be considered; and the Court would therefore take this opportunity of recommending that those judgments only in future be published which may be passed by the Court at large or by a majority of the Court, and that these even be selected with reference to their

The publication of the English decisions of Sudder Dewanny Adawlut was commenced on 1st May, 1846 and the publication of a vernacular version subsequently sanctioned.

but the Court think, for reasons stated, that a more useful collection of precedents might be compiled by publishing only selected cases

* Circular Order, dated 12th February last, No. 106, and published in *Gazette* of 2nd March, 1847, No. 9, page 94.

supposed usefulness as judicial precedents. The Court would not be understood to offer any objection to the publicity which is now given to all their decisions, nor would they oppose the extension of the same rule to summary cases and Criminal trials of importance, did the other duties of the Register and his limited establishment leave him leisure for the compilation of the reports of such cases; but they desire to assert, that, with much less labor and expense a more useful collection of precedents might be produced. The Register, I am desired to add, has undertaken to prepare indexes to the volumes of the Court's decisions, as they are completed, which, when the number of volumes is increased, may be re-arranged under proper headings and collectively printed.

The Register has engaged to prepare an index.

111. Another subject, which, as the Government are aware, has occupied much of the Court's attention since the date of their last Report, is the mode of bringing suits for property in land in coparcenary estates. The views of all the Zillah Judges and the opinion of the Court were laid before Government with my letter, No. 499, dated 30th March last, and a draft of the instructions, which the Court propose to issue, in modification of Circular Order, No. 208, dated 24th June, 1842, and in order to remedy the evils which were reported to have resulted from its operation, is now before the Government.

The mode of bringing suits for land in coparcenary estates has engaged the attention of the Court.

and the draft of Circular Order on the subject is before Government.

112. The publication of the correspondence, referred to below, may be useful, as ruling, the first* (vide Appendix D) that the order rejecting an application for special appeal must be taken to uphold the decision of the lower Court in respect to those points which are legally ground for special appeal, and have been pleaded in the Sudder Dewanny Adawlut, and the second† (vide Appendix E) that the admission of an appeal, whether regular or special, is under the law a bar to review of the judgment from which such appeal may have been preferred. A legislative enactment has been proposed to prevent the injustice which may, in the opinion of the Court, be the consequence of this latter restriction.

Certain correspondence is published in the Appendices for general information.

I have the honor to be, Sir,

Your most obedient servant,

G. F. EDMONSTONE,

Register.

Agra, the 22nd June, 1847.

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* My letter to Calcutta Court, No. 782, dated 25th May, 1846.
Reply from Calcutta Court, No. 914, dated 19th June.

† To Calcutta Court, No. 1283, dated 28th July, 1845,
From Calcutta Court, No. 1366, dated 5th September, 1845.
To Calcutta Court, No. 74, dated 21st January, 1846, with annexure.

LIST OF ORIGINAL ENCLOSURES.

No. 1,	Letter from	the	Judge of	Delhie,	...	... ...	No.	32,	dated 20th	March, 1847.
No. 2,	,,	ditto	Offg. Judge of	Seharunpoor,	...	... ...	No.	9,	dated 5th	Feby., 1847.
No. 3,	,,	ditto	Judge of	Meerut,	...	... ...	No.	29,	dated 29th	March, 1847.
No. 4,	,,	ditto	Judge of	Allygurh,	...	... ...	No.	19,	dated 20th	May, 1847.
No. 5,	,,	ditto	Offg. Judge of	Mooradabad,	...	... ...	No.	8,	dated 15th	Feby., 1847.
No. 6,	,,	ditto	Judge of	Bareilly,	...	... ...	No.	39,	dated 6th	May, 1847.
No. 7,	,,	ditto	Judge of	Agra,	...	... ...	No.	48,	dated 30th	March, 1847.
No. 8,	,,	ditto	Judge of	Furruckabad,	...	... ...	No.	29½,	dated 3rd	April, 1847.
No. 9,	,,	ditto	Offg. Judge of	Mynpoorie,	...	... ...	No.	125,	dated 10th	May, 1847.
No. 10,	,,	ditto	Judge of	Cawnpoor,	...	... ...	No.	92,	dated 13th	April, 1847.
No. 11,	,,	ditto	Judge of	Cawnpoor,	...	... ...	No.	107,	dated 28th	April, 1847.
No. 12,	,,	ditto late Offg.	Judge of	Futtehpoor,	...	... ...	No.	4,	dated 29th	Jany., 1847.
No. 13,	,,	ditto	Judge of	Bundelkund,	...	... ...	No.	58,	dated 2nd	June, 1847.
No. 14,	,,	ditto	Judge of	Allahabad,	...	... ...	No.	4,	dated 29th	Jany., 1847.
No. 15,	,,	ditto late	Judge of	Goruckpoor,	...	... ...	No.	—,	dated 12th	July, 1847.
No. 16,	,,	ditto Offg.	Judge of	Azimgurh,	...	... ...	No.	1,	dated 9th	Jany., 1847.
No. 17,	,,	ditto	Judge of	Jounpoor,	...	... ...	No.	13,	dated 6th	Feby., 1847.
No. 18,	,,	ditto	Judge of	Mirzapoor,	...	... ...	No.	62,	dated 21st	June, 1847.
No. 19,	,,	ditto	Judge of	Benares,	...	... ...	No.	40,	dated 26th	Feby., 1847.
No. 20,	,,	ditto	Judge of	Ghazeepoor,	...	... ...	No.	8,	dated 15th	Jany., 1847.
No. 21,	,,	ditto	Commr. of	Kumaon, and 2 Encls.,			No.	14,	dated 10th	March, 1847.
No. 22,	,,	ditto	Judge of	Simla,	...	.. ...	No.	16,	dated 11th	Feby., 1847.

G. F. EDMONSTONE,

Register.

APPENDIX A.

No. 697 of 1846.

To B. J. COLVIN, Esquire,

Offg. Register of the

Sudder Dewanny Adawlut,

FORT WILLIAM.

S. D. A. N. W. P.

Present:

G. P. Thompson, } *Judges*
C. R. Cartwright, }
and
A. W. Begbie, Esquire, *Offg. Judge.*

SIR,

I am directed to forward copies of the letters particularized below* for submission to the Calcutta Court, and for an expression of their sentiments on the question at issue.

2. It will be observed, that Mr. C. Lindsay, during the period of his incumbency in the Judgeship of Dehlee, in an official proceeding, declared judgment debtors to be liable to arrest "at all times whether of the day or night, as well as on any day whether a Hindoo or "Moosulman Festival or not," and that his *locum tenens*, holding the practice thus established to be objectionable, has solicited the interposition of the Court's authority for its abandonment.

3. Were the Judges of this Court, as at present constituted, unanimous in their opinion, they would refrain from troubling the Calcutta Court with this reference, but as the fact is otherwise, and as the question is not altogether without interest or importance, they deem it better to invite an expression of the Calcutta Court's opinion.

4. The majority of this Court, admitting that no writ can issue during the recognized vacations, contend that during those periods there is no objection, legal or other, to the execution of a writ, which may have issued prior to their commencement, by the arrest of the debtor. In such a case, the Zillah Judge or other judicial authority would be competent to direct the confinement of the debtor's person, as he would be compelled to pass an order for the release of a confined debtor, if, within the period of the Court's adjournment, the plaintiff should neglect or refuse to pay the prescribed allowance for his subsistence, or any other circumstances, entitling him to claim his liberation, should arise.

5. Mr. Begbie differs with his colleagues, being of opinion that, as during the authorized holidays, the operations, or rather the functions of the Civil Courts are suspended, they cannot properly cause the execution of any process of arrest during their continuance.

I have the honor to be, &c.,
G. F. EDMONSTONE,
Register.

Agra, the 9th May, 1846.

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* From Officiating Judge of Dalhee, No. 598, dated 21st October, 1845, with English enclosures.
To Officiating Judge of Delhee, No. 1810, dated 10th November, 1845.
From Officiating Judge of Delhee, No. 43, dated 30th ultimo.

No. 818.

To G. F. EDMONSTONE, Esquire,

Register to the Court of

Sudder Dewanny Adawlut,

FOR THE N. W. PROVINCES,

AGRA.

S. D. Adawlut.

Present:

R. H Rattray, C. Tucker, J. F. M. Reid and A. Dick, Esquires. *Judges.*

SIR,

I am directed by the Court to acknowledge the receipt of your letter, No. 697, dated the 9th instant, and to state in reply, that they concur with the majority of the Western Court that a writ, duly issued, may be executed on any day whether the same be a Hindoo or Mahomedan holiday or not.

2. The Court observe that the Western Court say nothing as to executing writs in the night, nor do the Regulations lay down any rules on this point. By the law of England, Sunday alone is excepted, and an arrest by night is as lawful as by day.

I have the honor to be, &c.,

B. J. COLVIN,

Officiating Register.

Fort William, the 5th June, 1846.

APPENDIX B.

No. 28.

From H. H. THOMAS, Esquire,

Judge of Bareilly,

To G. F. EDMONSTONE, Esquire,

Register Sudder Dewanny Adawlut,

AGRA.

SIR,

At the request of Mr. Ledlie, the Principal Sudder Ameen, I have the honor to submit to the consideration of your Court, copies of vernacular proceedings and of his English letter, on the subject of requiring a pauper plaintiff to pay Tulubana to the chuprasee deputed with

a notice to the defendant, in order that the latter might prefer his objections to the suit being brought *in formâ pauperis.*

2. Mr Ledlie's arguments are not without their force: nevertheless, I must observe, that Regulation XXVIII. of 1814 by no means requires that witnesses shall be summoned or that a notice shall be served on the defendant in all instances, though the practice seems to have become general. After a pauper has deposed on oath or solemn declaration, he has an option granted him, should his witnesses be required, either of producing them himself or of paying the chuprasee sent to cause their attendance; but it appears to me somewhat unreasonable to make him pay for the notice served on the defendant, invited thereby to come to Court and throw discredit on his alleged pauperism. Indeed, I cannot understand how the charges for such notice, which it is discretional with the Court to serve, can legally be demanded from the plaintiff, whose business it is to prove his statements, not to facilitate their refutation.

I have the honor to be, &c.,

(Signed) H. H. THOMAS,
Judge.

Bareilly, Judge's office,

The 14th May, 1846.

To H. H. THOMAS, Esquire,

Judge of Bareilly.

Sir,

I have the honor to acknowledge the receipt of your proceeding, dated the 18th ultimo, in reply to my roobakaree of the 9th idem. As your order appears to me to be illegal and open to serious objection, and as it is to be a permanent rule of practice, I shall esteem it a favor if you will submit this reference for the consideration and orders of the superior Court.

In my roobakaree of the 9th ultimo, I argue that when a party representing himself to be a pauper, applies to the Court under Regulation XXVIII. of 1814, and his pauperism is made the subject of inquiry, he is presumed by the law to be a non-pauper, and that he is only then a legal pauper, when he is legally admitted as such. For, if his indigence is to be assumed, for what purpose is the enquiry? On this ground, I argued that should the Court at its discretion deem it requisite to call upon the adverse party to shew cause why the pauperism should not be admitted, the party claiming to be a pauper is bound to pay the tullubana necessary for the issue of the notice.

I also attempted to shew the analogy which existed between applicants claiming to be paupers and plaintiffs in regular suits claiming right of property. In the latter case, the plaintiff is under an obligation to give notice to his adversary, and by parity of reason, in the former the applicant ought to warn the party who is to be affected by his pauperism.

It may be objected that to require a pauper to pay these charges is to require impossibilities. But this is a begging of the question, and assuming a fact which the law declares shall not be assumed, and is not yet proved, for the pauperism of the applicant is the very fact which requires to be proved.

Should it be said that when the applicant makes oath he is a pauper, he ought on his oath to be admitted as such, I reply that this would be sound reasoning if there were any thing in the nature of an oath to direct truth in every case; but that such is not the fact, universal experience and Section 4, Regulation XXVIII. of 1814 declare.

Act No. 9 of 1839 applies exclusively to regular suits, and is irrelevant to this discussion and the previous rules and practice, I mean correct practice, in investigations under Regulation XXVIII. of 1814 continue in force. The spirit of those rules and practice is that applicants to be admitted as paupers shall be liable to stamp duty and all other charges, except when expressly exempted by law, like other parties, up to the point when his pauperism is admitted by the Court.

If my view be incorrect, I would humbly ask at what stage of the investigation is the self-called pauper to be considered such? The simple question is, pauper or not pauper?

When I took charge of this Court, the chuprasees paid by Government on the Judge's establishment were available for the execution of processes in pauper cases transferred by the Judge to this Court. That practice has been prohibited, and the whole weight of the work in pauper cases and pauper regular suits is thrown on two unfortunate men (the only two paid men on this establishment), who, the moment they return from a long journey, are sent on a similar errand, while the Court is daily importuned with complaints of delay in the issue of process.

That I am not magnifying the hardships of these men, and the delay and inconvenience in the despatch of business, occasioned by the prohibitory order, the records of this Court testify.

Your order aims to provide against this objection by directing the employment of muzkooree peons in pauper cases without repayment of the tullubana. I have always held the maxim that a Court of law ought never to pass an order which it cannot enforce. But should the muzkooree peon decline to go on the Court's errand, I would ask by what law is obedience to be enforced? To request compliance as a favor would be beneath the dignity of the Court; to compel him to work on credit would be unjust and in direct contravention of Clause 6, Section 14, Regulation XXVI. of 1814.—You direct that the charges shall be eventually paid by the party cast. This is assuming that the indigence of the applicant will be proved as a matter of course; but allow me to suppose the reverse, viz. that the applicant's petition is rejected, whence, in such case, is the tulubanah to come? from the applicant? this surely cannot be meant; for if he is able to pay after his case is decided he was able to pay before that event. He has, moreover, every inducement not to pay now. Before he knew the result of his application, he had hopes of recovering his charges, now he is certain that whatever he pays he loses for ever.

The law, the practice sanctioned by law, and reason appear to me to require that there shall be no distinction but pauper or not pauper; and that he only is a pauper who is admitted to be such by the Court, I consider to be the true principle. I also think that while all the pauper cases are transferred to this Court by the Judge—and they are not small in number—reason, equity and expediency suggest that this Court should receive all the aid and assistance from the Judge's establishment which it is capable of affording, or that additional allowance should be awarded to this Court for the appointment of additional paid peons, as the surplus (after paying the salaries of the amla) of the present allowance is only sufficient to pay for stationery, making boxes, &c., for the records, and other contingencies.

If, happily, I have placed the case in such a point of view as to convince you of the justice and reasonableness of my observations, I shall be glad; if not, I trust you will not

refuse me the favor of referring the case to the superior Court with such remarks as you may deem proper to append.

For the purpose of securing the object of your order, viz. the exemption from prepayment of tullubanah, and of avoiding a breach of the law, I have directed the payment of the tullubanah in the cases contemplated to be made from the registry fees when the surplus funds of the Court fail, until this question is set at rest.

I have the honor to be, &c.,

J. P. LEDLIE,

Principal Sudder Ameen.

Bareilly, the 7th May, 1846.

(True copy.)

(Signed) H. H. THOMAS,

Judge,

S. D. A. N. W. P.

Present:

G. P. Thompson, C. R. Cartwright, *Judges*, Esqrs. and A. W. Begbie, Esquire, *Offg. Judge.*

No. 876 OF 1846.

To H. H. THOMAS, ESQUIRE,

Judge of Bareilly.

SIR,

I have the honor to inform you that your letter, No 26, dated 14th ultimo, with its enclosure from the Principal Sudder Ameen of Bareilly, relative to the propriety or otherwise of requiring a person, desirous of suing *in formâ pauperis*, to pay the tullubana of the chuprasee deputed to serve notice on the adverse party under the provisions of clause 6, section 5, Regulation XXVIII. of 1814, has been brought under the consideration of the Court.

2. In reply, I am directed to state that, in the opinion of the Court, no person is in the eye of the law a pauper, until his indigence have been proved and admitted by the Court in which he desires to institute his suit, or to which the duty of enquiring into the alleged pauperism may have been committed, and that, therefore, if the Court, under the discretion vested in it by clause 6, section 5, Regulation XXVIII. of 1814, think fit to issue a notice to the adverse party, the expense of serving it must be defrayed by the petitioner.

3. The Court admit, that in the majority of cases it may be unnecessary to serve a notice on the adverse party, but it is no more unreasonable to require the petitioner to pay for such a notice (should the Court in its discretion see fit to issue it) than it is to call upon the plaintiff in a regular suit to defray the charge of serving a notice on the defendant, the object in both cases being not identical, but bearing so close affinity the one to the other, as to render any distinction impracticable; in the one case, the adverse party is invited to throw discredit on the alleged pauperism of the petitioner—in the other the defendant is allowed an opportunity of refuting the claim of the plaintiff.

4. You are requested to communicate the foregoing remarks to Mr. Ledlie.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,

Register.

APPENDIX C.

No. 254.

FROM THE JUDGE OF BENARES,

To G. F. EDMONSTONE, ESQUIRE,

Register to the Sudder Dewanny Adawlut,

N. W. Provinces.

AGRA.

Sheolal, &c. Pleaders, Petitioners,
versus
Ameer Ali, and others Pleaders, other parties.

SIR,

With reference to the Court's proceedings in the case noted in the margin, I take the liberty to submit for the Court's favorable consideration, the copy of a petition received from the pleaders of my Court, praying for divers reasons set forth in the petition to be allowed as heretofore to plead in the Court of the Principal Sudder Ameen, a privilege which the pleaders of Allahabad, Ghazeepoor, Jounpoor, Mirzapoor and Goruckpoor, I believe, enjoy. The restriction will, I think, operate unfavorably in regard to the interests of the community on account of the superior intelligence of the pleaders attached to this Court.

I have the honor to be, &c.,

(Signed) J. T. RIVAZ,

Judge.

Dewanee Adawlut,
City Benares,
The 3d December 1846.

No. 10 OF 1847.

To J. HAWKINS, ESQUIRE,

Register Sudder Dewanny Adawlut,

FORT WILLIAM.

S. D. A. N. W. P.
Present:
B. Tayler, G. P. Thompson, and C. R. Cartwright, *Judges.* Esquires.

SIR,

I am directed to enclose for submission to the Judges of the Calcutta Court, copy of a letter* from the Judge of Benares, and to solicit an expression of their opinion as to the legality of the vakeels attached to the Judge's Court being allowed to practise also in that of

* No. 254, dated 3d December, 1846.

the Principal Sudder Ameen. The majority of this Court contend, that the exposition of the law, given in the accompanying extract (paragraph 7) from my letter, No. 771, dated 30th April, 1844, is correct, and desire to maintain the rule which it prescribes, but Mr. Cartwright differs from his colleagues, and considers that the provisions of clause 3, section 18, Regulation V. of 1831 supersede all preceding enactments on this point, and that a Zillah Judge is competent to authorize any or all of the vakeels, attached to his Court, to practise in the Court of the Principal Sudder Ameen as well as in his own.

I have the honor to be, &c.,

G. F. EDMONSTONE,

Register.

Agra, the 4th January, 1847.

Extract (paragraph 7) from Court's letter, No. 771, dated 30th April, 1844, to the address of the Judge of Benares.

Para. 7. There is yet another point in Mr. Campier's address, which is worthy of consideration, and the determination of which will tend much to facilitate the dispatch of business, and obviate the frequent postponement of cases owing to the absence of the authorized pleaders of the litigants. The Court are clearly of opinion, on a consideration of the law, that it never contemplated the indiscriminate admission of vakeels to practise in the Judge's as well as the Principal Sudder Ameen's Courts; section 72, Regulation XXIII. of 1814 declares that "the Judges of the several zillahs and cities shall *assign* to the Court of each Sud-"der Ameen such a number of the authorized vakeels, as may appear necessary;" section 16, Regulation XXVII. of 1814 expressly enacts that "the vakeels attached to one Court "are not to be allowed to plead in any other Court," reserving an option to the Judge to make "such an *allotment* and *distribution* of the pleaders attached to their Courts," as may from time to time appear convenient; and by clause 3, section 18, Regulation V. of 1831, the Judges are declared competent to "authorize" any of the vakeels of their Courts to practise in the Court of the Principal Sudder Ameen. The whole train of legislation appears to be consistent in regarding the vakeels of the Judge's Court as vakeels also of the Principal Sudder Ameen's and Sudder Ameen's Courts, and in directing the separate *assignment* or *allotment* of a certain proportion of those vakeels to the Courts of the Principal Sudder Ameens and Sudder Ameens; Mr. Campier's suggestion is certainly worthy of adoption, if its expediency only be regarded, and seems only consonant with the intent and rational construction of the law, as it at present exists.

No. 144.

To G. F. EDMONSTONE, Esquire,

Register to the Sudder Dewanny Adawlut,

for the North Western Provinces,

Agra.

Sir,

S. D. A.
Present:
R. H. Rattray,
C. Tucker,
J. F. M. Reid and
A. Dick,
Judges.
} Esquires.

I am directed by the Court to acknowledge the receipt of your letter, No. 10 of the 4th instant, and to state, for the consideration of the Western Court, that Construction 802 ruled that vakeels of the Principal Sudder Ameen's and Sudder Ameen's Courts are in fact vakeels of the Judge's Court. The pleaders of those Courts may therefore be legally allowed to practise indiscriminately in the Courts of the Judge and Principal Sudder Ameen; and by this Court it has frequently been allowed. The Court are of opinion however that, as a general rule, pleaders should be permitted to practise in those Courts only to which they have been nominated. This rule is promulgated in this Court's Circular No. 124, Volume III.

I have the honor to be, &c.,

J. HAWKINS,

Register.

Calcutta, the 29th January, 1847.

No. 262 of 1847.

To J. HAWKINS, Esquire,

Register Sudder Dewanny Adawlut,

Fort William.

Sir,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson, and
C. R. Cartwright,
Judges.
} Esquires.

I am directed to acknowledge the receipt of your letter, No. 144, dated 29th January last, and in reply to observe, that in the extract appended to my address, No. 10, of the 4th idem, it is plainly admitted and declared, that vakeels of the Principal Sudder Ameen's and Sudder Ameen's Courts are in fact vakeels of the Judge's Court, and no reference to Construction No. 802 was necessary to convince the Court of this fact. The object of the Court's enquiry was to elicit an opi-

nion from the Calcutta Court as to the legality of pleaders, who, under the "allotment and distribution" contemplated by section 16, Regulation XXVII. of 1814 may have been assigned to the Principal Sudder Ameen's Court, practising at the same time, during the continuance of the same "allotment and distribution," in the Judge's Court. It is inferrible from the tenor of your letter, that the Calcutta Court would answer the above enquiry in the affirmative, but in that case it is difficult to perceive the utility of such "allotment and distribution" at all: the law declares that such allotment and distribution shall be made by the Zillah and City Judges "on a consideration of the Civil business in their own Courts, and in those of their Registers and the Sudder Ameens," and by implication, therefore, directs, that the income of business in those Courts respectively shall regulate the number of practising pleaders to be assigned to each; but what becomes of this nicely balanced distribution, if the pleaders nevertheless are permitted, without any reference whatever to the state of business in one Court, to practise at the same time in another? Of course the Judge is at liberty to vary the "distribution" from time to time, but, so long as the distribution remain undisturbed, it must be binding on the pleaders affected by it, and prevent their practising in any other than the Courts, to which they may have been respectively nominated.

2. The *expediency* of this restrictive rule is recognized by the Calcutta Court in the 2nd paragraph of their Circular Order, No. 124, dated 18th December, 1840, wherein it is stated, "that pleaders should be *permitted to plead* only in those Courts, to which they have "been respectively nominated;" but, if indiscriminate practice in the Courts of the Judge and Principal Sudder Ameen is not illegal, then it cannot be prohibited, nor can the prohibition be enforced. This Court do not desire to adopt this Circular Order, which, while it recognizes one course of proceeding as that laid down by the law, indicates, almost enjoins another, as being recommended by expediency, but they desire to have one uniform practice declared and enforced: if notwithstanding the "allotment and distribution" contemplated by section 16, Regulation XXVII. of 1814, it be lawful for pleaders, assigned under that "allotment and distribution" to the Principal Sudder Ameen's Court, to plead likewise *during its continuance* in the Judge's Court, the Court would notify accordingly, and withdraw every obstacle to the enjoyment of a privilege which is allowed by the law; if on the other hand this privilege of indiscriminate practice be not countenanced by the law, without an alteration of the "allotment and distribution" above referred to for good and sufficient reason, they would strictly enforce its provisions in this, as they are disposed to do in every other respect.

3. Mr. Cartwright, although he still adheres to his own view of the law, as described in my letter, No. 10, dated 4th January last, concurs with his colleagues in the opinions set forth in the preceding paragraph, and joins with them in opposing any evasion of the law on grounds of expediency.

4. You are requested to favor me with the opinion of the Calcutta Court on this question, as detailed above, at your earliest convenience.

I have the honor to be, &c.,

G. F. EDMONSTONE,

Register.

Agra, the 9th March, 1847.

No. 470.

To G. F. EDMONSTONE, Esquire,

Register of the Sudder Dewanny Adawlut for the N. W. P.,

Agra.

Sir,

S. D. A.
Present:
R. H. Rattray,
C. Tucker and
A. Dick,
Judges.
} Esquires.

I am directed to acknowledge the receipt of your letter, No. 262, dated 9th instant, and to express their regret that their reply, No. 144 of the 29th January last to the Western Court's letter, No. 10, of the 4th idem, should have been unsatisfactory to the Western Court, especially as this Court fear they cannot give one to their more recent communication on the same subject, which will prove more satisfactory.

2. I am desired to say that this Court do not by any means advocate the indiscriminate employment of vakeels in several Courts at once, to the detriment of public business, and that the "allotment and distribution" having been made, they would as a general rule, enforce it, confining the pleaders in their practice to the Court to which they been allotted. This is the rule of the Circular No. 124 of the 18th December, 1840, and the Court have no desire to alter it. In some instances however the state of the business has been no bar to the indiscriminate practising of the pleaders in the Courts both of the Judge and Principal Sudder Ameen, and this Court have then sanctioned it, on the application of the Zillah Judge. They consider such a proceeding to be perfectly legal, and in this respect they concur with Mr. Cartwright.

3. The Western Court imply in the 3rd paragraph of your letter that this Court are advocating an evasion of the law on grounds of expediency. The Court however would observe that expediency is that which legally regulates the course of procedure in this matter. It is expediency which admits the indiscriminate practising of pleaders in both Courts, and expediency which suggests the allotment and distribution of them between the Courts. The question is one of detail, greatly dependent upon what is expedient. The law has so left it, and the Court therefore do not think that while they recognize in the determination of the question the expediency which the law sanctions, they are justly chargeable with "evasion of the law on grounds of expediency."

4. As to the question put by the Western Court in regard to the legality of pleaders, who, under the "allotment and distribution" contemplated by section 16, Regulation XXVII. of 1814, may have been assigned to the Principal Sudder Ameen's Court, practising at the same time during the continuance of the *same* "allotment and distribution" in the Judge's Court, this Court can scarcely understand how the question should arise. That a Judge should consider an allotment and distribution necessary and required by the state of business, and still allow a practice to prevail in contravention of such allotment and distribution, involves an inconsistency, for which they have had yet no occasion to prescribe any rules in the districts under their jurisdiction. The Court can only answer the question of the Western Court by referring to the case of any particular suit, which, during the continuance of an allotment and distribution as above, may have been carried on in the Judge's Court by a pleader allotted to the Court of the Principal Sudder Ameen; as the vakeel of the Principal Sudder Ameen's Court is in fact a vakeel of the Judge's Court, as held by both

Courts in Construction No. 802, this Court do not consider such a proceeding to be absolutely illegal, inasmuch as they do not think that by it the proceedings and judgments in the case would be vitiated or set aside upon that ground as nullities. The allotment is in the hands of the Judge himself; it proceeds upon expediency, and if the Judge permits a departure in any case from his own rule of allotment, the Court cannot say that he acts *illegally*. It is a temporary or partial abeyance of his own rule, within his own competency, but not an illegal act.

I have the honor to be,

J. HAWKINS,

Register.

Fort William, the 26th March, 1847.

No. 510 OF 1847.

To J. T. RIVAZ, ESQUIRE,

Judge of Benares.

SIR,

S. D. A. N. W. P.
Present:
B. Tayler, G. P. Thompson, Esqrs. *Judges.*
and
A. W. Begbie, Esquire, *Offg. Judge.*

To Calcutta Court, No. 10, dated 4th January, 1847.
From Calcutta Court, No. 144, dated 29th idem.
To Calcutta Court, No. 262, dated 9th ultimo.
From Calcutta Court, No. 470, dated 26th idem.

In continuation of my letter, No. 11, dated 4th January last, I am directed to forward for your information copy of the correspondence, which has ensued with the Calcutta Court on your reference regarding the vakeels of your Court practising in the Court of the Principal Sudder Ameen, and to inform you, that this Court have determined to abide by their own construction of the law.

I have the honor to be, &c.,

G. F. EDMONSTONE,

Register.

Agra, the 17th April, 1847.

APPENDIX D.

No. 782 of 1846.

To B. J. COLVIN, Esquire.

Offg. Register Sudder Dewanny Adawlut,

Fort William.

Sir,

S. D. A. N. W. P.
Present:
G. P. Thompson, C. R. Cartwright, Esquires. *Judges.*
and
A. W. Begbie, Esquire, *Offg. Judge.*

Mr. Tayler, before his departure on leave of absence, proposed for the consideration of his colleagues the following question: "Is the rejection of a petition for special appeal to be regarded as upholding the decree of the lower Court on any point of law ruled in such decree?" The intention at first entertained of inviting the opinion of the Calcutta Court on the point was abandoned for reasons, which it is unnecessary to explain, and is now only carried into effect, because the Hon'ble the Lieut. Governor has expressed a wish to be made acquainted with the result of the discussion, which this Court in a communication to Government proposed to initiate.

2nd. This Court, as at present constituted, are clearly of opinion that Mr. Tayler's question must be affirmatively answered, with this qualification, that the legality of the lower Court's decision in regard to those points only which are legally ground for a special appeal, and on which the particular application may be founded, is affirmed by its rejection; such rejection declares by implication either the insufficiency under the law of the pleas urged for the admission of a special appeal, or the non-existence, in the lower Court's decision, of the supposed illegality, or irregularity, which forms ostensibly the ground of the special appeal, and by so doing virtually confirms that decision in so far as it refers to any point of "law, or usage having the force of law, or some practice of the Courts," which may have been put forward in the petition of special appeal. This, however, is the utmost limit to which the order, rejecting an application for special appeal, can be construed to extend; it cannot of course be held to uphold constructively such parts of the lower Court's judgment, as relate to the determination of facts or even to points of law, usage, or practice, not set forth in the petition of special appeal.

3rd. I am desired to request that you will lay the foregoing observations before the Judges of the Calcutta Court, and favor me with a communication of their opinion on the point, to which they have reference.

4th. A copy of the minutes placed on record by Messrs. Tayler and Cartwright, is annexed to this address.

I have the honor to be, &c.,

G. F. EDMONSTONE,
Register.

Agra, the 25th May, 1846.

No. 914.

To G. F. EDMONSTONE, Esquire,

Register of the Sudder Dewanee Adawlut for the N. W. P.,

Agra.

S. D. A. N. W. P.
Present:
R. H. Rattray,
C Tucker,
J. F. M. Reid,
and
A. Dick,
} Esquires.
Judges.

Sir,

I am directed by the Court to acknowledge the receipt of your letter No. 782 of the 25th ultimo, and to express their concurrence in the view taken by the Western Court of the point in question.

I have the honor to be, &c.

B. J. COLVIN,

Register.

Fort William, the 19th June, 1846.

APPENDIX E.

No. 1283 of 1845.

To B. J. COLVIN, Esquire,

Officiating Register Sudder Dewanny Adawlut,

Fort William.

Sir,

S. D. A. N. W. P.
Present.
B. Tayler,
G. P. Thompson,
and
J. Davidson,
} Esquires.
Judges.

I am directed to annex, for submission to the Judges of the Sudder Dewanny Adawlut in Calcutta, copy of a letter, No. 147, dated 28th ultimo, from the Judge of Cawnpoor, and to solicit an expression of their opinion on the subject, to which it relates.

2nd. Mr. Speirs enquires, whether he can authorize the Principal Sudder Ameen to review a judgment, from which an appeal has been preferred, and, on default of the appellant, dismissed under the provisions of Act XXIX. of 1841.

3rd. The question appears to the Court one, which it is desirable to have definitively determined, with reference not only to its intrinsic importance, but to its analogical bearing upon another point of judicial practice.

4. Clause 2, section 4, Regulation XXVI. of 1814 enacts that, "any persons consider-"ing themselves aggrieved by a decree passed in a regular Civil suit or appeal by a Zillah "city or provincial Court, from which decree *no further appeal* may have been admitted by a "superior Court, and who, from the discovery of new matter or evidence which was not within "their knowledge, or could not be adduced by them at the time when the decree was passed "&c., may be desirous of obtaining a review of the judgment passed against them, are at "liberty to present a petition for this purpose *to the Court*, in which the *decree* in question "*may have been passed.*" In this passage two distinct conditions seem to be implied: the one, that from the decree, of which revision is sought, no appeal shall have been admitted; the other, that the application shall be addressed to the Court, by which the said decree may have been passed. Adverting to these provisions this Court are of opinion, that in the case which forms the subject of Mr. Speirs' reference, the defendant B. is debarred the privilege of a review of the judgment, passed by the Court of first instance, inasmuch as an appeal from that judgment has been "admitted," and further that the subsequent dismissal of his appeal deprives him of all legal redress, unless indeed the "fact of default" be questioned, and a review on that point alone be sought.

5. If this be, as this Court conceive, the true construction of the law, it is not difficult to foresee much practical injustice from its operation: the appeal not having been decided on its merits, there can be no ground for reviewal of the decree passed by the appellate Court, and yet subsequently new matter may have been discovered, or opportunity for its adduction have offered, or other sufficient reason have arisen, of a nature to render the justice and propriety of the original judgment a matter of question. In like manner, the Court observe, subsequent to the admission, or even the determination of a special appeal, cause may be shewn for doubting the correctness of the lower Court's judgment on the *facts* of the case, of which the special appellate Court can take no cognizance, and it then becomes, as in the case of a regular appeal dismissed on default, a question, how redress, or rather a judgment on the newly discovered matter, is to be obtained. For these contingencies there is no provision in law, and it may be argued in the case of default, that the appellant suffers merely from the consequences of his own laches, and that no legislative remedy is needed. In the instance of a special appeal there is this distinction, that the subsequent discovery or adduction of new matter need not necessarily, and would not in many cases, vitiate the judgment passed on such special appeal, while it *would* afford ground for a re-consideration of, and a new decision, on the *facts*, and the failure to adduce that matter on the original suit or regular appeal might not, as in the case of default, be ascribable to the neglect of the party desirous of obtaining a review of judgment.

6. The Court have instructed me to bring the question in all its bearings to the notice of the Calcutta Court, and to solicit an expression of their opinion, not only on the point referred by the Judge of Cawnpoor, but on the analogous contingency, which its consideration has suggested, and, on the expediency or otherwise of seeking from the Legislative Council some sufficient remedial provision.

I have the honor to be, &c.,

G. F. EDMONSTONE,

Register.

Agra, the 28th July, 1845.

No. 1366.

To G. F. EDMONSTONE, Esquire,

Register to the Sudder Dewanny Adawlut,

North Western Provinces,

AGRA.

Sir,

S. D. A.
Present:
R. H. Rattray,
C. Tucker,
J. F. M. Reid, and
A. Dick,
Judges.
} Esquires.

I am directed by the Court to acknowledge the receipt of your letter, No. 1283 of the 28th July last, and to reply thereto as follows:

2. With regard to the case which formed the subject of Mr. Speirs' reference, the majority of this Court coincide in opinion with the Western Court, that the review of judgment was barred by the circumstance of an appeal having been admitted. Mr. Dick, however, takes the law cited by you to mean only that no review can be granted, if the case be at the time pending in appeal; and observes that if the appeal be dismissed on default, the original decision remains in *statu quo*, and the right to review reverts to the lower Court.

3. On the further question referred for this Court's opinion, and which forms the subject of paragraph 5 of your letter, Mr. Dick argues that there can be no difficulty in solving it; inasmuch as the facts of the case were never before the appellate Court, and, therefore, if the judgment on them be questioned, a review of it can always be obtained. His colleagues, on the other hand, in their adoption of the above construction of law in concurrence with the Western Court, consider also in unison with them that there is want of some legislative provision to remedy injustice from the operation of the law as it now stands. They accordingly propose that it should be recommended to Government to refer for the consideration of Legislative Council, the propriety of allowing a review of the decision of the lower Court, even after a regular appeal from it, if such has been dismissed on default; and also after the determination of a special appeal, which, under the present law, does not allow of any judgment being pronounced on the facts of a case.

I have the honor to be, &c.,

B. J. COLVIN,

Offg. Register.

Fort William, the 5th September, 1845.

No. 74 of 1846.

To B. J. COLVIN, Esquire,

Officiating Register Sudder Dewanny Adawlut,

Fort William.

Sir,

S. D. A. N. W. P.
Present:
B. Tayler,
G. P. Thompson, *Judges*,
and
C. R. Cartwright,
Offg. Judge.
} Esquires.

In compliance with the request, conveyed in your letter, No. 1873, dated 19th ultimo, I am desired by the Court to annex, for submission to the Legislative Council with such remarks or emendations as the Calcutta Court may deem advisable, the draft of an Act for amending the law concerning reviews of judgment.

I have the honor to be, &c.,

G. F. EDMONSTONE,

Register.

Agra, the 21st January, 1846.

Draft of a proposed Act for amending the Law concerning reviews of judgment.

Whereas under the existing Regulations the admission of a regular appeal is held to bar review of the judgment recorded in the Court of first instance, and whereas, in the event of such regular appeal being dismissed on default, or without an investigation into the merits, new matter or evidence subsequently discovered cannot be made available: and whereas the admission of a special appeal from the decision of a Judge or Principal Sudder Ameen in regular appeal is held similarly to bar reviewal of that decision, notwithstanding that the determination of such special appeal is irrespective of the *facts* on which the aforesaid decision of the Judge or Principal Sudder Ameen must rest, and whereas much practical injustice may result from the operation of the existing law, as above recited.

1. It is hereby enacted, that such part of clause 2, section 4, Regulation XXVI. of 1814, as provides that those decrees only, from which no appeal may have been admitted by a superior Court, shall be open to review on the adduction of new matter or evidence subsequently discovered, or on other good and sufficient ground, be modified.

2. And it is hereby enacted, that, whenever a regular appeal from the decree of a Court of primary jurisdiction, shall have been dismissed on default, or without an investigation of the merits, it shall nevertheless be lawful for such Court of primary jurisdiction to admit an application for review of the decree passed in the original suit, provided the party, considering himself aggrieved by such decree, shall satisfy the Court, that, owing to the discovery of new matter or evidence, which was not within his knowledge, or could not be adduced by him at

the time when the decree was passed, or owing to any other good and sufficient cause, such review is requisite for the ends of justice, or necessary to correct an evident error or omission in the decree of which revision is sought.

3. And it is hereby enacted, that neither the admission nor the determination of a special appeal by the Sudder Dewanny Adawlut from a decision passed in regular appeal by a subordinate Civil Court shall be held to bar a review of the judgment, passed by such subordinate Court in such regular appeal on a consideration of the *facts* of the case, provided that the party, considering himself aggrieved by such judgment, shall satisfy the Court in which the judgment in question was passed, that, owing to the discovery of new matter or evidence which was not within his knowledge or could not be adduced by him at the time when the judgment was passed, or owing to any other good and sufficient cause, the review solicited is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice.

4. And it is hereby enacted and provided, that, the rules above modified excepted, all other rules now in force, relative to applications for a review of judgment in regular original suits and appeals, shall be applicable to all applications for review of judgment, made under the provisions of this Act.

REPORT

OF THE

SUDDER DEWANNY ADAWLUT

NORTH WESTERN PROVINCES

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE

FOR THE YEAR

1847.

AGRA:

WM. H. HAYCOCK, SECUNDRA ORPHAN PRESS.

1848.

AGRA:
Printed by Wm. H. Haycock,
Secundra.
1848.

Report.

No. 740 of 1848.

From G. F. EDMONSTONE, Esquire,

Register to the Court of

Sudder Dewanny Adawlut,

N. W. Provinces.

To J. THORNTON, Esquire,

Secretary to the Government,

N. W. Provinces.

Dated Agra, 24th May, 1848.

S. D. A. N. W. P.

Present:

B. Tayler, G. P. Thompson and C. R. Cartwright, Esquires,—*Judges.*

Sir,

I am desired by the Court of Sudder Dewanny Adawlut to submit the accompanying Reports, according to the annexed list, and statements in illustration of the administration of Civil Justice in the North Western Provinces, during the year 1847.

Reports with statements, regarding administration of Civil Justice in 1847.

ZILLAH DELHIE.

No 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846,..	456	1913	121	5490	81	2680	171	1967	591	0	320668
1847,..	564	5302	130	5996	93	*2973	203	2110	617	2	395917
Increase,....	108	389	9	506	12	293	32	143	26	2	75249
Decrease, ...	0	0	0	0	0	0	0	0	0	0	0

* Of which *ex parte*, .. 560
Confession of judgment, 900
——1460
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, .. 66 *Days.*
Session & Criminal Sittings, .. 50 „

Names and designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of Appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judges: Messrs. J. P. Gubbins, and W. Dell. Routh, ... Orgls	0	0	2	2	0	0	0	0	2	0	7400	0	0	1	0	1	0	0	0
.. .. Appls	41	289	2	332	84	202	0	7	39	1	21128	0	0	5	3	2	0	0	2·39
P.S.A. Sudder-ood-deen Khan, ... Orgls.	38	165	7	210	2	110	4	33	61	1	313265	54	111						
.. .. Appls	0	0	83	83	0	81	0	0	2	0	868	0	0	41	9	28	0	2	17·98
S.A Ikramooddeen, Delhie, ..	17	60	0	77	0	43	2	17	15	0				12	5	5	0	0	19·35
S.A. Mr. J. P. Lyons, Goorgaon,	5	14	1	20	0	11	1	2	6	0	19032	31	76	7	3	4	0	0	50·
S.A Mohd. Attaoollah, Rohtuck,	13	33	3	49	1	25	2	10	11	0				10	6	4	0	0	27·02
Moonsiffs. Mohd. Ikramooddeen, Delhie	84	822	8	914	0	427	82	297	108	0				55	22	40	0	2	6·82
Syud Ahmud, Ditto, ...	95	765	3	863	2	427	18	314	102	0				44	8	31	0	1	5·79
Kasim Alee, Panceput, ..	42	738	5	785	3	351	12	396	23	0				27	9	19	0	1	3·55
Mr. J. P. Lyons, Goorgaon,	55	491	6	552	0	127	15	355	55	0	35224	306	4435	17	6	12	0	0	3·42
Mohd. Attaoollah, Rohtuck,	58	748	4	810	1	299	13	424	73	0				29	7	16	0	1	3·94
Fakeerchund, Hissar, ..	48	573	0	621	0	449	15	89	68	0				10	6	6	0	0	1·8
Sookbasee Lall, Noh, ..	68	601	6	678	0	421	39	166	52	0				38	14	23	0	0	6·07
Total, ..	564	5302	130	5996	93	2973	203	2110	617	2	395917	391	4622	296	98	191	0	7	6·59

33·91 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headings, Nos 1 to 21	13	396	11	422	61	334	22	0	5	0
„ „ „ 22 to 25	4	3271	1	3276	0	3270	0	0	6	0
P. S. A. headings, „ 1 to 21	38	392	56	486	14	322	96	0	54	1
„ „ „ 22 to 25	0	182	0	182	0	182	0	0	0	0
3 Sudder Ameens, ...	94	1210	62	1366	21	981	260	0	104	0
4 Moonsiffs, ...	67	1400	42	1509	21	1133	274	0	81	0
Total, ..	218	6851	172	7241	117	6222	652	0	250	1

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments, and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of stamps.		
Moonsiff Dehlie,	1680	0	0	2717	10	0
Ditto Faneeput,	1680	0	0	2354	0	0
Ditto Hissar, ..	1680	0	0	2360	8	0
Ditto Noh, ...	2280	0	0	1783	0	0
Total, ..	7320	0	0	9715	2	0

Report has been submitted by Mr. Gubbins, who merely details the tabular entries and expresses opinion of the native Judges.

2. Mr. W. DeHague Routh officiated as Judge of this district from the 5th April to the 4th November, 1847, when Mr. J. P. Gubbins resumed charge, and by him the statements for the past year have been submitted with a report, which is confined to an examination of the tabular entries, and an expression of his opinion regarding the qualifications of the native Judges: of these, two, Ikramooddeen and Ataoollah, the Sudder Ameens of Delhie and Rohtuck, have been admitted,* since the date of the last report, to the benefit of superannuation pensions, and one, the Moonsiff of Sirsa, has been removed from this jurisdiction by the operation of Act VI. of 1846: of the rest no particular mention seems necessary, except that Mr. Gubbins reports "a marked improvement" in Syud Kasim Alee, the Moonsiff of Paneeput, while Mr. Lyons, Sudder Ameen of Goorgaon has, he adds, rather disappointed the opinion at first entertained of him, as though possessed of a certain amount of legal knowledge, the result of the appeals from his decisions is far from favorable to his judgment.

The increase in the number of suits instituted is met by that in the number of adjustments, and *ex parte* and *ikbaldawa* decisions,

and is moreover confined to suits for debts and other simple causes,

to which perhaps, different result of appeals is traceable.

3. The increase in the number of suits instituted, which, notwithstanding the removal of the Sirsa Moonsiffee took place during the past year, is fully counterbalanced by the increase apparent in the number of adjustments, and of decisions *ex parte*, and on confession of judgment, and will not therefore have added so largely to the labors of the establishment as might, on a first view of the comparative table No. 1, be supposed: that increase, moreover, is confined to suits for debts and other personal actions, which are generally simple in their nature, and are easily disposed of. Whether it be this fact, or the influence of individual opinion in the local appellate Court (presided over by a different officer during the past year) which has led to the more favorable result of appeals brought to decision, may be a question, but the distinction is sufficiently marked to attract attention and to call for this passing notice.

Court agree with Mr. Gubbins in the opinion subjoined, and think that the evil might be lessened by locally extending the period for appeal to two months.

4. The Court subscribe to the opinion expressed by Mr. Gubbins in the following extract from his report, and they are inclined to think that the evil might be in some measure mitigated by a local extension of the period, allowed by law for the preferment of appeals, from one to two months. There is little reason to apprehend, that this indulgence would give encouragement to litigious or groundless appeals, or be otherwise abused, for the distance of the appellate Court and the interruption of professional occupations, which the journey would involve, and for which no "costs" could compensate, would be sufficient to debar parties from contesting the decision of the local Court without sufficient reason. The modification of the law which is here proposed, would remove the difficulty of lodging an appeal within the limit of time now prescribed by the regulations, and it is no more than the people, resident in and about Hissar, are entitled to expect: if on trial this measure be found insufficient, some other remedy may perhaps be devised. "It is to be regretted, as stated in my report for 1846, "that some arrangement cannot be made which would ensure a more "efficient control over the proceedings of this Moonsiff; as the distance of "Hissar from Delhie, viz. 100 miles, is a great bar to the preferring of "appeals from his decisions except in the most important cases."

* *Vide* your letter, No. 200, dated 19th January, and No. 207, dated 19th January.

Court hope that some specific rules for management of Taiool villages may be laid down.

5. As the correspondence noted below* refers to a subject of purely local interest and importance, there is no utility in repeating the substance of it; but the Court may be permitted to express a hope, that some specific rules for the management of Taiool villages, intrusted to the care of the Government, may be laid down in order to prevent the recurrence of collision between the judicial authorities of Delhie, and the Lieutenant Governor's Agent.

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* My letter, No. 804, dated 7th June, 1847, and No. 918, dated 28th idem.
Your reply, No. 2845, dated 14th July.
My letter, No. 1018, dated 20th idem.
Your reply, No. 3230, dated 9th August.
My letter, No. 1195, dated 21st idem.

ZILLAH SAHARUNPORE.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by Transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846, ...	1339	4587	50	5976	36	2534	351	1744	1311	5	301251
1847, ...	1311	4928	115	6354	86	*2648	386	1992	1242	7	2273722
Increase, ...	0	341	65	378	50	114	35	248	0	2	1972471
Decrease, ...	28	0	0	0	0	0	0	0	69	0	0

* Of which *ex parte*, .. 661
Confession of judgment, 726
——1387
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, ... 108 *Days.*
Session & Criminal, Sittings, ... 54 „
‡ 4 to S. D. A.

Names and designations of Officers.	*Number of Regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of Appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contract, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judges: Messrs. G. F Harvey, R. Thornton, and G. F. Franco, .. Orgls.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appls.	64	248	6	318	0	155	8	3	152	2	45564	0	0	10	10	0	0	0	6·02
P. S. A. Mohd. Hoossein, Orgls.	62	192	49	303	0	144	25	44	90	1	2140666	55	158	‡45	9	23	0	0	21·12
Appls.	0	0	0	0	0	0	0	0	0	0				4	2	2	0	0	19·04
P. S. A. Mr. A. Ross, Originals,	11	21	3	35	0	16	0	5	14	3									
Appeals,	0	0	0	0	0	0	0	0	0	0									
S. Ameen, ... (none),	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs. Mr. L. Berkely, Saharunpore	195	1029	22	1246	7	625	23	393	198	0				68	12	28	2	1	6·53
Sheikh Ahmud, Nukoor, ..	91	577	17	685	5	300	23	295	62	0				23	7	9	1	0	7·23
Busheeroollah, Deobund, ..	339	810	9	1158	62	408	193	214	281	0				24	8	13	1	1	2·94
Ameerooddeen, Shamlee, ..	361	894	3	1258	5	476	48	457	272	0	87492	379	4088	52	5	24	0	0	5· 3
Mohd. Yaheea, Moozuffurnugger, ...	114	893	6	1013	7	390	38	473	105	0				57	2	18	4	1	4· 1
Mr. A. Ross, Deyrah Dhoon,	74	264	0	338	0	134	28	108	68	1				5	0	2	0	0	1·85
Total, ..	1311	4928	115	6354	86	2648	386	1992	1242	7	2273722	434	4246	268	55	114	8	3	5·33

32·54 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headings Nos. 1 to 21, ..	19	193	0	212	37	123	19	0	33	0
„ „ „ 22 to 25, ..	78	3185	0	3263	213	2998	0	0	57	0
2 P.S.A. ditto Nos. 1 to 21, ..	120	453	41	614	0	314	162	0	138	0
„ „ „ 22 to 25, ..	1	270	3	274	3	267	4	0	0	0
S. Ameen. .... (none,) ..	0	0	0	0	0	0	0	0	0	0
6 Moonsiffs, ...	938	3627	51	4616	9	1529	2340	0	738	0
Total, ..	1156	7728	95	8973	262	5226	2525	0	966	0

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments, and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. reald. by sale of Stps.		
Moonsiff of Saharunpore,	1680	0	0	5714	8	0
Ditto Nukoor, ..	1680	0	0	2755	8	0
Ditto Deobund, ..	2280	0	0	4569	8	0
Ditto Shamlee, ..	2280	0	0	4606	0	0
Ditto Moozuffernuggur,	1680	0	0	4833	8	0
Ditto Deyrah Dhoon, ..	0	0	0	928	6	0
Total, .	9600	0	0	23402	0	0

A brief report has been submitted by Mr. Franco.

6. The statements from this district have been submitted with a brief report by Mr. Franco, who, having assumed charge of this Judgeship on the 30th December, expresses his inability, in consequence, to review the operations of the several Courts during the past year, and their result.

Mr. Harvey has omitted to record results, and his opinion of the labors of the native Judges,

but the statements shew they have been industrious.

It would have been satisfactory to the Court, had Mr. Harvey, who was in charge for the greater part of the year 1847, recorded the results of his personal observation and experience, and expressed his opinion of the manner in which the native Judges had discharged the duties entrusted to them, but the omission is the less to be lamented, as the same Officers were engaged, who "were well reported of" by Mr. Harvey at the close of 1846, and the statements shew very clearly and fully the work, which each of them has performed; that they have been industrious, and that the judicial wants of the community have been sufficiently provided for, there seems little reason to doubt, (the less so, that all but one of the seven cases older than a year, had been remanded on dates comparatively recent,) and there is at the same time a fair presumption, arising from the fewness of the appeals instituted, that substantial justice has been administered.

Increase in the value of property under litigation, explained;

with this exception, the tables need no further notice,

as the small quantity of business dispatched, is accounted for by facts stated.

7. A remarkable increase is observable in the value of property under litigation at the close of the year, owing apparently to the institution of some heavy claims in the Principal Sudder Ameen's Court at Deyrah, but, with this exception, the foregoing tables present nothing worthy of particular notice; Mr. Harvey's absence on leave for one month, in the middle of the year, and the total suspension of judicial business from the 1st October to the close of December owing to the same cause, account sufficiently for the small quantity of business that was dispatched, and the comparatively large accumulation of arrear, in the Judge's Court: this has not escaped the attention of his successor, Mr. Franco, who engages shortly to reduce it.

Constructions 935 and 1056 have been modified;

proportion of applications for execution of decree struck off was large.

8. It may be added, with reference to paragraph 9 of the Court's last report, that the correspondence connected with Construction No. 935 and 1056, has resulted in their modification, and in the issue of a Circular Order, dated 25th November, 1847, which is expected to put a stop to much fraudulent collusion, that has heretofore impeded the execution of decrees in this district, as usual, a large number (2174) of applications for execution were struck off on default, while in 690 cases the claim was fully enforced, and in 702 partially satisfied.

No need of further remarks.

9. The Court are not aware of any other circumstance, that calls for remark, as connected with the administration of Civil Justice in this district during the past year.

ZILLAH MEERUT.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond one year.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846,....	1114	4846	465	6425	419	2418	722	1594	1272	3	248084
1847,....	1272	5533	452	7257	391	*2834	725	2102	1205	10	598839
Increase,....	158	687	0	832	0	416	3	508	0	7	350755
Decrease,....	0	0	13	0	28	0	0	0	67	0	0

* Of which *ex parte*, .. 543
Confession of judgment, 1209
1752
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, ..119 *Days*
Session and Criminal Sittings, .. 115 ,,
‡ 5 to S. D. A.

Names and designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*										*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
											Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judges: Messrs. A. W. Begbie and G. Blunt, Orgls.	0	3	4	7	0	1	0	0	6	2	282079	3	0	0	0	0	0	0	0
†Judges: Messrs. A. W. Begbie and G. Blunt, Appls.	44	255	7	306	60	146	5	6	89	4	57389	0	0	5	5	0	0	0	3·18
P.S.A. Mhd. Abdoollah Khan, ... Orgls.	42	90	6	138	4	75	4	16	39	3	131547	21	69	‡35	8	11	1	1	28·68
P.S.A. Mhd. Abdoollah Khan, ... Appls.	2	0	61	63	0	21	5	1	36	0	4442	0	0						
S. A. Abdool Rahman Khan, Meerut, ...	62	159	168	389	1	194	62	63	69	0	9898	51	108	42	10	12	3	2	13·16
Moonsiffs: Baboo Shama Churn Banorjee, Meerut, ...	368	760	4	1132	127	454	84	315	152	0				27	2	4	0	2	3·16
Moonsiffs: Mukhun Lall, Haupor, ..	107	699	10	816	1	335	90	303	87	0				23	9	11	1	0	3·15
Moonsiffs: Nasir Ali Khan, Sirdhana,	131	683	8	822	37	270	108	278	129	0				28	10	13	2	1	4·26
Moonsiffs: Kurrum Ali Khan, Dasna,..	125	563	4	692	1	287	136	181	87	0				27	7	12	0	0	4·17
Moonsiffs: Mr. V. Berkeley, Boolundshuhur, ...	70	582	161	816	5	300	60	300	151	0	113484	389	4637	38	10	13	1	0	5·75
Moonsiffs: Kasim Ali Khan, Sekundrabad,	236	1102	12	1350	154	344	117	461	274	0				25	14	6	0	1	2·71
Moonsiffs: Mohumed Buksh, Debaee,	85	637	4	726	1	407	54	178	86	1				21	4	15	1	0	3·28
Total,..	1272	5533	452	7257	391	2834	725	2102	1205	10	598839	464	4814	271	79	97	9	7	4·78

44·88 per cent, reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headings, Nos. 1 to 21,..	66	227	0	293	32	135	18	0	108	7
,, ,, 22 to 25,..	114	2984	0	3098	0	3032	0	0	66	1
P.S.A. Ditto, ,, 1 to 21,..	87	304	52	443	3	226	131	0	83	1
,, ,, ,, 22 to 25,..	0	0	0	0	0	0	0	0	0	0
Sudder Ameen, ...	71	325	1	397	0	238	97	0	62	0
7 Moonsiffs, ...	502	3469	38	4009	32	1656	1865	0	456	1
Total, ..	840	7309	91	8240	67	5287	2111	0	775	10

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments, and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of Stamps.		
Moonsiff Meerut, ..	2277	9	3	3093	8	0
Do. Hauper, ..	1680	0	0	2633	0	0
Do. Sirdhana, ..	1680	0	0	2876	4	0
Do. Dasna, ..	1680	0	0	2619	2	0
Do. Boolundshuhur,	2263	1	0	2191	10	0
Do. Sekundrabad, ..	1680	0	0	3468	12	0
Do. Debaee, ..	1680	0	0	2209	8	0
Total,..	12940	10	3	19091	12	0

Mr. Begbie, in the report, which he has submitted notices increased income of business,

10. During the greater part of the past year Mr. G. Blunt officiated as Judge of this district, but it has devolved upon Mr. Begbie to submit the statements for the past year, and with them the usual report on the Civil administration; he notices the remarkable increase in the number of suits instituted, as shewn in table No. 1, and thinks that there is room for congratulation in the fact, that the statements exhibit no accumulation of arrear at the end of the year: the facts stated are undeniable, and the Court have no desire to withhold from the Moonsiffs the credit, to which Mr. Begbie considers them entitled, but it must not be supposed that the amount of additional labor imposed upon them has been at all commensurate with the numerical increase in the income of business; a comparison of table No. 1 with the same table for the year 1846, will shew that the aggregate of the increase under columns 7 and 8, and of the increase in the number of decrees passed *ex parte* and on confession of judgment, falls very little short of the entry in column 4 of the table No. 1, which represents the increase in the quantity of business before the Courts in the past as compared with the preceding year: thus the actual number of *contested* suits disposed of in the one was very little larger than that decided in the other period, and it will be found, on deducting the decision *ex parte* and on *ikbaldawa* from the aggregate of "decisions on trial," that the average number of *contested* actions, determined during 1847 by each of the ten officers engaged, little exceeded 100; the *actual* number of such cases disposed of in the Principal Sudder Ameen's Court, for example during the whole year, was 51.

but the additional labor imposed is not commensurate therewith, as shewn in the text,

actual number of contested cases decided being very little larger than in the preceding year.

This subject however does not call for further remark.

11. But it is needless to detain the Government with any further remarks on this point: there is legal sanction for the amicable adjustment of suits, no less than for their trial *ex parte*, and for confession of judgment being entered, and the Court can make no objection to that, which the law recognizes, provided that its conditions be observed in *whole*, and not in part only, and to ensure this the supervision of the Zillah Judge should be sufficient. The large number of suits, and miscellaneous cases older than a 12 month, seems to call for some explanation: of the former 4, and of the latter 1, had been disposed of at the date of Mr. Begbie's report, and their protraction seems to have arisen chiefly from the occupation of the officiating Judge Mr. Blunt in Sessions duties, to which, it will be observed, a much longer time was devoted than in 1846. Mr. Begbie has given his attention to the accumulation, and will, no doubt, shortly reduce it. The decision of the old suits depending before the Principal Sudder Ameen was thought by the Court to have been very needlessly delayed by his inactivity, and want of method in the preparation of his cases, which the Court found it their duty to notice on more than one occasion during the past year: the lightness of the Principal Sudder Ameen's files, both regular and miscellaneous, leaves no excuse for the dilatory way, in which business is conducted in his Court.

The arrear of long standing is explained by reference to the pressure of Sessions work,

and to Principal Sudder Ameen's inactivity.

Proportion of appeals nearly the same as in 1846, the reversals being considerably larger,

12. While the proportion of appeals instituted was nearly the same as in 1846, that of reversals is considerably larger, and in adverting to these results, as a test of efficiency, Mr. Begbie observes, there is "one difficulty "attendant on its application, viz., that a large proportion of appeals are "decided by the Principal Sudder Ameen, and not by the Judge, and as the "reversal of *half* of the Principal Sudder Ameen's original decisions, by the "Judge, in appeal, is not indicative of satisfaction with the judgment of the "former officer, some reasonable doubt may be entertained, whether in the

"event of the judge having tried all the appeals himself, a somewhat differ-
"ent result might not have been exhibited." This difficulty has been frequently noticed by the Court on former occasions, and lends support to the views, which they expressed on this subject in the 14th paragraph of their last Report; infallibility, or something very nearly approaching to it, must be supposed in the appellate authority before the result of appeals can be received as other than a very uncertain criterion of official ability and knowledge on the part of those, whose proceedings are brought under revision.

which is partly accounted for in text.

13. The 14th paragraph of Mr. Begbie's report is subjoined, as shewing the inconvenience resulting from the undefined and defective state of the law regarding the nature of the jurisdiction, possessed by the Civil Courts, within military cantonments, and the desirableness of explicit instructions being issued; "I have lately received an application from the Sudder Ameen "to request that I would adopt measures to enforce the attachment of a dwell-
"ing house situate within the limits of the cantonment, in execution of a "decree of his Court. The Sudder Ameen's application to the military "authorities has been returned, uncomplied with, on the ground, that the "premises in question were already under attachment, in execution of "decrees of the military court of requests. It has hitherto been the com-
"mon practice of the Civil Courts of this district, to attach and sell real pro-
"perty situate in cantonments; nor has any objection ever been made to this "proceeding on the part of the military authorities; but, as with reference to "the enquiry made on this point by the Judge of Cawnpore, (referred to in "paragraph 52 of the Sudder Court's Report on the administration of Civil "Justice for the year 1846,) and the practice which I believe prevails with "respect to houses situate in the cantonment at Agra, the authority of the "Civil Courts to sell real property in cantonments appears questionable. I "think it desirable that some explicit instructions on this point should be "issued; and I have, in the meantime, postponed taking any measures to "obtain compliance with the Sudder Ameen's requisition. The notification, "by the Hon'ble the Lieutenant Governor, under date 14th January last, "(published in the Agra Government Gazette of the 25th idem,) and the "orders republished in conformity therewith, do not provide for the contin-
"gency in question." The subject was brought fully under the consideration of Government in separate correspondence,* and it was expected that some special rules might have been passed, or general principle declared, to guide the judicial officers in their communications with the military authorities, but the notification referred to, and republication of the orders mentioned therein, were deemed sufficient to meet the difficulty; the Court not being aware, that they can add force to the arguments which were advanced on that occasion, are compelled to relinquish the subject, and to bow to the decision of higher authority in this matter.

With reference to Judge's 14th paragraph refers to past correspondence on the subject of the jurisdiction of Civil Courts in cantonments.

14. In the 16th paragraph of his letter Mr. Begbie advocates such a modification of the law, as would restrict the institution of suits, exceeding Rs. 5,000 in value, to the Judges' Courts. "It has often occurred to "me that a great mistake was made when the jurisdiction of the European

Mr. Begbie advocates modification of law, restricting the institution of suits beyond 5,000 to Judge's Court,

* My letter No. 1181, dated 16th August, 1847.
Your reply, No. 155, dated 14th January, 1848

"Covenanted Judges was practically restricted to the adjudication of "appeals not exceeding Rs. 5,000 in value. There appears an anomaly in "giving authority to the Principal Sudder Ameen to try original suits, *to* "*any amount*, and at the same time to tie the hands of the European Cove- "nanted Judge so tightly that he cannot try an original suit except on spe- "cial grounds. The effect of the existing law is to place the Principal "Sudder Ameen above the Zillah Judges in judicial estimation. It would "I think be a very desirable alteration, if the original jurisdiction of the "Principal Sudder Ameen were limited to cases not exceeding Rs. 5,000 in "value, and the Judge were himself to try all cases in excess of that sum. "No great addition of duty would, I apprehend, be imposed on the Judges "by the proposed alteration. In this district, in the year 1845, there were "only 3 suits for upwards of Rs. 5,000; in 1846, 9; and in 1847, 7; the "average being 6¼ per annum, or not one case in a month. Another advan- "tage attending this arrangement would be, that the Zillah Judges would "gain a little experience in the mode of procedure in original suits; which, "under the existing system, they can learn only at second hand. I have "little doubt, moreover, that it would be much more satisfactory to the "suitors themselves, were all suits of the higher amount tried in the first "instance by the Zillah Judges, in whose decisions, it is notorious, that they "have much greater confidence, than they ever can have in those of their "own countrymen, until a very great change takes place in the native cha- "racter."

17. "The object contemplated by me may, in some measure, be "attained by directing the Zillah Judges in such districts as to the Sudder "Court may seem advisable, to withdraw all suits exceeding Rs. 5,000 in "value from the files of the Principal Sudder Ameen, under the provisions "of Section 2, Act No. IX. of 1844, and to try them himself; but I object "to this enactment, as not going far enough. I would *prohibit the institu-* "*tion* of such suits in any other Court than that of the Zillah Judge."

and the Court concur for reasons stated, differing on one point.

The Court concur generally in these views, and trust that the Hon'ble the Lieutenant Governor may have an opportunity of bringing the subject under consideration in the proper quarter; this conferment of original jurisdiction on the Zillah Judges would not overwhelm their Courts with business, as may be seen by reference to the statement given below* of all the suits exceeding Rs. 5,000 in value instituted throughout the north western provinces during the past year, and, if at any time the pressure of work should become heavy, it might be relieved by using the Principal Sudder Ameen's services in the trial of appeals from the decisions of the Sudder Ameens and Moonsiffs, which, as they involve property to a smaller amount, are seldom so keenly contested between the parties, and are moreover open to revision in special appeal, are second in importance to original suits, affecting property or interests of large value. The Court, however, differ from Mr. Begbie in thinking that the Zillah Judges might be directed to withdraw all suits of the nature indicated from the Principal Sudder Ameen's files, under Section 2, Act IX of 1844, inasmuch as such a direction would certainly be

* Dehlie (16)—Saharunpore (7)—Meerut (8)—Allygurh (11)—Moradabad (12)—Bareilly (9)—Agra (11)—Furruckabad (8)—Mynpooree (1)—Cawnpore (7)—Futtehpore (7)—Bundelkund (4)—Allahabad (8)—Goruckpore (9)—Azimgurh (1)—Jounpore (11)—Mirzapore (12)—Benares (31)—Ghazeepore (13)—Total 186.

repugnant to the spirit if not the letter of the law, which contemplates the trial of such suits by the Principal Sudder Ameens unless there be "sufficient reason" for their withdrawal (apart from the value merely of the property involved,) and such reason could not be anticipated in every instance; as a general direction of the kind suggested by Mr. Begbie, to be legal, must pre-suppose.

Transfer of pergunnah Khoorjah from the Sekundrabad to the Boolundshuhur Moonsiffee, has been sanctioned.

15. The transfer of Pergunnah Khoorjah from the Moonsiffee of Sekundrabad to that of Boolundshuhur, as recommended by the Judge for the purpose of equalizing the income of business in those Courts, has been sanctioned in modification of the arrangements reported to Government in my letter No. 1164, dated 3rd July 1845.

The Court hold with reference to Mr. Begbie's enquiry in paragraph subjoined that the law requires the Moonsiffs to prepare only two copies of their decrees.

16. With reference to the following extract from his Report, Mr. Begbie has been informed that in the opinion of the Court the law cited makes it incumbent on the Moonsiff to prepare only *two* copies of his decree in each case, for delivery to either party, and that, if more be required, those wanting them must bear the expense incurrible in transcribing them, or themselves prepare them. "A question has been propounded to me by the Moonsiff of "Meerut, which I deem it advisable to submit for the Court's solution. By "Clause 1, Section 41, Regulation XXIII. of 1814, it is provided, that the "Moonsiffs shall, within one week after the date of the decree, cause *two* "copies of it to be prepared, and tender the same to the plaintiff and "defendant, or their vakeels, respectively; and by the following clause of "the same section, the penalty of dismissal is prescribed against any Moon-"siff 'who shall keep back copies from either of the parties.' The Moonsiff "asks, what is to be done in the event of the plaintiffs or defendants in a "case, employing separate vakeels, which is by no means an unfrequent "occurrence. Is the Moonsiff to furnish each vakeel with a copy, or merely "to prepare *two* copies, as ordered by law? This is no imaginary difficulty; "the Moonsiff has laid before me several cases in which he has considered "himself under an obligation to furnish more than *two* copies. In one "instance, 5 copies, and in two, 3 copies, have been given to vakeels of the "parties. The establishment of the Moonsiffs being so weak, it might be "impossible to prepare the extra copies within the short period allowed by "law; yet, if this be not done according to the Moonsiff's view, the penalty "of dismissal attaches to the omission."

ZILLAH ALLYGURH.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond one yr.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846, ...	933	5699	506	7038	509	3686	354	1530	959	2	348264
1847, ...	896	4974	299	6169	256	3224 *	306	1452	931	23	608963
Increase, ...	0	0	0	0	0	0	0	0	0	21	260699
Decrease,....	37	625	207	869	253	462	48	78	28	0	0

* Of which *ex parte*, .. 682
† Confession of judgment, 1489
—— 2171

Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, .. 160 *Days.*
Session and Criminal Sittings .. .. 77 „
‡ 10 to S. D. A.

Names and Designations of Officers.		*Number of regular suits [original and appeal] before the several Courts.*										*Descrpn. of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge: Mr. M. J. Tierney, ...	Orgls.,	1	0	63	64	64	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls.,	76	364	4	444	130	162	8	4	140	0	79747	0	0	7	6	0	1	0	4·02
P. S. A. Villayut Ali,	Orgls.,	60	79	2	141	0	73	3	9	56	22	439856	20	59	‡34	9	14	2	0	16·11
	Appls,	3	0	137	140	0	122	1	3	14	1	4151	0	0						
S. A. Mohumed Kasim, Allygurh,		76	237	72	385	2	235	42	32	74	0	46393	99	139	113	30	40	3	3	36·56
Moonsiffs.	Gholam Gouse and Nund Lall, Kassgunge,.. ..	108	802	6	916	17	478	63	165	193	0				20	10	13	0	0	4·95
															15	0	3	0	0	
	Zeanoddeen, Atrowlee, ...	96	588	3	687	0	353	46	219	69	0				50	13	31	2	0	8·09
	Inayet Ahmed, Coel, ...	221	1429	7	1657	28	817	52	563	197	0				79	28	51	1	2	5·51
	Alee Buksh and Gholam Moheeooddeen, Hattrass,	130	872	4	1006	0	611	53	242	100	0	38816	324	3970	0	2	5	0	0	7·06
															64	12	25	1	2	
	Mobarizooddeen, Mohumed Ishak, and Rao Bukhtawur Singh, Khyr,	125	603	1	729	15	373	38	215	88	0				2	1	3	0	0	1·43
															6	0	1	1	0	
															1	0	0	0	0	
Total, ...		896	4974	299	6169	256	3224	306	1452	931	23	608963	413	4167	391	111	186	11	7	7·84

37·37 per cent. reversals.

No. 3—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headings, Nos. 1 to 21, ..	32	455	2	489	14	402	34	0	89	0
„ „ „ 22 to 25, ..	90	5618	2	5710	2	5618	1	0	59	2
P.S.A. headings, „ 1 to 21, ..	122	311	13	446	0	240	114	0	92	3
„ „ „ 22 to 25, ..	12	507	2	521	0	516	0	0	5	0
Sudder Ameen, ...	142	544	13	699	3	445	156	0	95	0
5 Moonsiffs, ...	549	3366	99	4011	51	1909	1592	0	462	0
Total,, ..	947	10801	131	11879	70	9160	1897	0	752	5

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments and amount realized by sale of stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of stamps.		
Moonsiff Kassgunj,..	2280	0	0	2988	8	0
Ditto Atrowlee, ..	1680	0	0	1995	12	0
Ditto Coel, ...	1680	0	0	4999	4	0
Ditto Hattras,....	1670	5	2	3671	6	0
Ditto Khyr, ...	1607	8	6	2945	8	0
Total, ..	8917	13	8	16600	6	0

Results exhibited in the tables are satisfactory, and few remarks are required in explanation;

17. The state of business, as represented in the tables, is considered satisfactory, and a few brief remarks will suffice to explain what they do not exhibit. That which first attracts attention is the large decrease in the quantity of business instituted and disposed of, but this is purely nominal, arising from the transfer of two Moonsiffees to the jurisdiction of the Agra Court, as noted in the 22nd paragraph of the Report for 1846: any comparison, therefore, of the income of business or of results would be fallacious. It is clear, nevertheless, that the several officers employed have not been wanting in application to the duties devolving on them, and it is inferrible from the proportion of appeals preferred, that their decisions generally have been satisfactory to the community: to this there is an exception in the case of Principal Sudder Ameen and Sudder Ameen, and the cause of it may be traced to the greater importance of the interests involved in the cases referrible to them, and to the immediate proximity of the appellate Court: original suits above Rs. 5,000 in value, and appeals decided by the former functionary being deducted, he disposed of 64 cases appealable to the Judge, and during the year 24 appeals were preferred to his Court, in the proportion of 37 per cent., which differs but little from the proportion (36·56) of appeals from the Sudder Ameen's decisions.

for reasons stated any comparison of the income of business with that of 1846, would be fallacious;

so far as inference can be deduced from proportion of appeals instituted, decisions of the native Judges have given satisfaction; exceptions are stated and accounted for.

Arrears of old date were unimportant.

18. It is satisfactory to observe, that the 22 original suits of longer standing than a year, which awaited decision in the Principal Sudder Ameen's Court at the close of 1847, were postponed pending the disposal of an interlocutory appeal instituted in the Sudder Dewanny Adawlut, and that, of the miscellaneous cases in the same category, three were disposed of early in the current year, and two related to the property of persons dying intestate.

Mr. Tierney, the Judge, reports favorably of the native judicial Officers;

19. Mr. Tierney entertains a favorable opinion of the qualification and character of the judicial officers under his controul, especially of Mooftee Inayet Ahmed, Moonsiff of Coel, who has been recently promoted,* and of Ghoolam Moheeoodden, Moonsiff of Hatrass, whose decisions, he states, "give satisfaction to the suitors in his Court," although they "are perhaps the most litigious and certainly not the best disposed community in the district." During the past year, Ghoolam Ghouse, Moonsiff of Kasgunje was removed to another district for conduct, which shewed his unfitness for employment in that jurisdiction, another Mobarizooddeen, late of Khyr, was promoted to the Sudder Ameenship of Mooradabad, in which situation he has hitherto acquitted himself creditably, and a third, Alee Buksh, was allowed to exchange appointments with another officer of the same grade: it is hoped that during the present year there may not be the same necessity for changes of incumbency.

some changes of incumbency unavoidably occurred.

Judge's report needs no further remark.

20. No general subject is touched upon in Mr. Tierney's report, nor has any correspondence passed, the purport of which it would be either interesting or useful to recapitulate.

* Your letter, No. 715, dated 23rd February, 1848.

ZILLAH MOORADABAD.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by Transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn	Pending at the end of each year.	Cases pendg. beyond 1yr.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846,.. ..	2505	6232	1217	9954	1216	4660	817	1399	1862	2	295156
1847,....	1615	5585	990	8190	948	*4012	487	1231	1512	0	284653
Increase, ...	0	0	0	0	0	0	0	0	0	0	0
Decrease, ...	890	647	227	1764	268	648	330	168	350	2	10503

* Of which *ex parte*, .. 989
Confession of judgment, 1025
—— 2014
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, .. 146 *Days*
Session and Criminal Sittings, .. 70 ,,
‡ 6 to S. D. A.

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*										*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
											Relating to real property.	Relating to bonds, contract, wages, &c.	Appeals instituted.	Revrd. or mod	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judges: Messrs. W. H. Deane, and H. Lushington, ..	Orgls.	0	7	341	348	348	0	0	0	0	0	0	6	1	0	0	0	0	0
	Appls	130	457	4	591	250	224	5	1	102	0	20039	0	0	5	4	1	0	0	2·17
P. S. A. Syud Tusuddook Hoossein Khan, ..	Orgls.	17	79	5	101	0	46	2	12	41	0	161884	30	49						
	Appls	2	0	260	262	0	256	4	2	0	0	0	0	0	‡17	4	12	0	0	5·27
S. A. Mohumed Mobarizoodeen, Moradabad, ...		126	76	141	343	1	154	31	77	80	0	25952	54	83	35	2	6	0	0	13·35
S. A. Pundit, Mohesh Chunder, Bijnour,.. ..		30	61	5	96	0	57	15	13	11	0				18	4	1	0	0	21 17
Moonsiffs. Moh. Salleem, Pundit Moheshchunder	Bijnour,	164	253	201	618	0	248	91	135	144	0				9	3	7	0	0	9·07
Saudoollah Khan, Umroha,		142	368	3	513	5	260	51	70	127	0				34	17	11	0	0	
Mohd. Noor, Nugeenah, ..		213	965	3	1211	102	640	60	210	199	0				41	28	17	0	0	
Moizzoollah Khan, and Imdad Hoossein Khan, ..	Dhampoor,	163	509	2	674	101	300	66	72	135	0				61	16	58	0	0	10·76
Mashook Ali Khan,	Moradabad Env.,	86	333	5	424	1	306	24	54	39	0	76778	968	3937	12	11	11	0	0	6· 7
Syud Ubbas Ali,..															26	5	18	0	0	8·67
Huffee-zood-deen Ahmed Khan, Chundowsee, ..		168	696	5	869	0	421	67	229	152	0				1	5	2	0	6	5·98
															22	7	9	0	0	
Tajumool Hoossein Khan, Sumbhul, ...		177	983	9	1169	127	506	37	188	311	0				53	22	34	2	0	7·39
Kazee Mohd. Buksh, Moradabad (City), ..		73	431	3	507	4	305	7	105	86	0				60	22	39	1	2	8·2
Uzmutoollah Khan, Thakoordwarah, ..		94	367	3	464	0	289	27	63	85	0				35	13	20	1	0	8 39
															23	9	23	1	0	6 06
Total, ..		1615	5585	990	8190	948	4012	487	1231	1512	0	284653	1058	4070	452	167	269	5	3	7·88

38·3 per cent. reversals.

No. 3.—Miscellaneous.

		1	2	3	4	5	6	7	8	9	10
Judge, headings.	Nos. 1 to 21.	10	255	0	265	76	189	4	0	16	0
,, ,,	,, 22 to 25.	10	4686	0	4696	28	4668	0	0	0	0
1 P. S. A. ditto	Nos. 1 to 21.	30	152	71	253	0	142	63	0	48	0
,, ,,	,, 22 to 25.	4	566	125	695	0	691	0	0	4	0
2 S. Ameens,.. ..	..	174	1007	0	1181	0	817	199	0	165	1
8 Moonsiffs, ..	..	799	7071	0	7870	0	5232	1987	0	751	0
Total, ..		1027	13737	196	14960	104	11719	2153	0	984	1

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments, and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. reald by sale of Stps.		
Moonsiff of Umroha..	1680	0	0	1599	0	0
Do. Nugeenah, ..	2380	0	0	3284	0	0
Do. Dhampoor,..	1680	0	0	2222	8	0
Do. Env. Moradabad,	1605	0	0	770	4	0
Do. Chundowsee,	1680	0	0	2636	2	0
Do. Sumbhul, ..	2130	0	0	3349	12	0
Do. City Morabadad,	1680	0	0	1193	8	0
Do. Thakoordwarah,	1680	0	0	1658	8	0
Total,..	14515	0	0	16713	10	0

21. Mr. Lushington, the Judge of this district was in charge for no more than the three first months of the year under report, Mr. Deane having officiated for him during the remainder, but his report will nevertheless be found to contain notice of whatsoever is remarkable in the statements, and includes the observations left on record by his *locum tenens* on some interesting subjects, to be hereafter adverted to. In respect to the quantity of work, the Judge would seem to be in error in stating that the "number of original suits and appeals instituted during the past year *exceeds* that of the preceding year, but not to any very great extent:" a reference to the table No. 1 will shew that there has been a considerable falling off in the *income* of business, and that the number of suits before all the Courts was much smaller than in 1846, the reduction being chiefly observable in suits relating to debts and other personal matters, which were fewer by 488 than in the year last reported on; it seems probable that the circumstances mentioned in the 25th paragraph of the Court's last report may have continued to have effect during the past year, and have contributed to this result, which under this view cannot be considered other than satisfactory. As there was a decrease in the quantity of work to be done, so at the close of 1847 there was a smaller portion left unperformed, and of the cases which remained for future decision, none had been on the file for more than a twelve month; at the same time it is clear that, so long as the business is so unequally distributed among the lower tribunals, as a comparison of the institutions in the Moonsiffees of Nugeenah, Chundowsee and Sumbhul with the other entries in the 2nd column of table No. 2 exhibits, the agency available is not employed to the best advantage, and it is hoped, therefore, that the Judge will not postpone his intended proposal of an alteration in the jurisdictions of these Courts, until actual inconvenience be felt.

Notwithstanding Mr. Lushington's absence, his report will be found full;

but he is apparently wrong in referring to an *increase* of work, a falling off being observable, (vide tables;)

arrear was less at end of year, than in 1846,

nevertheless the inequality in the income of business in the several Moonsiffees (named) requires attention.

22. The following remarks of the Judge regarding the effect of Act XII. of 1843, and the orders of Government requiring the publication of the decisions recorded by the Zillah Judges are deserving of attention; "the "work in the Civil Court as shown by this statement is light, and I must "repeat what I admitted last year, that the Civil work in the Judge's office "at Mooradabad is not heavy. The necessity however of writing out and "translating and re-hearing the translations of the decision in the regular "suits has so much increased the work of a Judge that in no one district "can the duties of his office be pronounced light. It is quite true that the "particular labor alluded to may be performed in several ways; but the "late order of Government to print the decisions of the Zillah Judges will "have a very wholesome effect in this respect, and whatever objections the "plan may be open to, it will at least secure exertion in the preparation of "those important papers. The work therefore will be encreased." The Court opposed the measure for the reasons given in my letter No. 1021, dated 20th July 1847, and they still abide by the opinion which they then expressed; there can be no doubt that the personal labor of the Judges is very much increased, and that this with other innovations which have been introduced of late years press heavily on the English establishment of the Judge's office, which in this, as in other districts, is distinctly declared by Mr. Deane to be inefficient: "I have little to say in commendation of the state "of the English office. The Clerk Mr. Jennings, receives a salary of only Rs. "60 per mensem which puts it out of his power to pay for the occasional "services of another writer, and though he has received help both from Mr.

Judge's remarks on operation of Act XII. of 1843, (subjoined) are just,

and, among other things one effect has been to render the English establishment of the Judge's offices inefficient.

" Lushington and myself, there is almost always a considerable arrear of " business. The duty of a Judge's Clerk is now much heavier than it was when " the salaries of the Clerks were fixed, and henceforward, a copy of every " decision will have to be drawn out and sent with the decisions of the month " to Agra. It is true that the Clerks were enjoined, prior to the passing of " this order, to copy every decision into a book, but that was not always " done."

Regulation VI. of 1832, was not brought into operation.

23. No cases were tried with the assistance of natives as provided for by Regulation VI. of 1832, and the reasons for this are explained in the following extract, (paragraph 9) from the Judge's report. " This statement " is blank. I am not aware of Mr. Deane's sentiments on the subject of " Regulation VI. of 1832 beyond this, that I believe he values the assistance " of natives more lightly than I do, but no cases were tried with the aid of " assessors during the first three months of the year for the following rea- " sons: 1st, no case came before me which I felt unwilling to decide without " the assistance of natives; 2ndly, my experience at Futtehpore, where I gave " the system a fair trial, does not encourage me to bring Regulation VI. of " 1832 into general operation in Civil suits; 3rdly, suits tried under that " law occupy much more time than a Judge of Mooradabad can afford; 4thly, " the attendance of respectable natives cannot be compelled, and as their " aid cannot be dispensed with on Criminal trials, I am unwilling to try " their patience too much by constantly summoning them in Civil suits." The Court are impressed with the belief (as stated in Para. 160 of their Report for 1845,) that the system which this law enacts is not generally applicable to the trial of appeals, and that consequently its operation will be but little extended, so long as the Judges only, who seldom or never decide original suits, are empowered to have recourse to its provisions.

With respect to Judge's observations on the subject of execution of decrees, and the large number of applications struck off: the Court refer to former reports, as expressive of their views.

24. In the miscellaneous work, to which table No. 3 relates, are included the execution in full of 1,329, and the enforcement in part of 360 decrees, 2,026 applications in addition having been struck off on default of the decree-holder to proceed according to established rule. Mr. Lushington is of opinion that the large proportion borne by the latter to the two former classes of cases, is calculated to damp the satisfaction, which the general results exhibited in the statements might be regarded, and he observes in a subsequent part of his report, that " whatever may be the object of decree- " holders in taking out execution, it does not seem to be the realization of the " sum due to them by the sale of the debtor's property or by any other " legal coercion." The Court have on former* occasions declared their opinion regarding the system in force, and they will here only add the expression of their belief, that in the great majority of the cases struck off, the necessity of the Court's further interference is superseded by private adjustment between the parties either in the way of a composition of the debt, or of an agreement to pay by instalments, or the execution of a new bond for principal and interest of the debt consolidated, and bearing interest of course from the date of the second deed; whether this supposition be correct or not, it seems certain that the order of the Court, striking off an application for execution on default can inflict neither loss, nor injury of

* *Vide* paragraph 12, of report for 1845 and paragraph 9, of report 1846.

any kind on the decree-holder, as he can always revive it at any time within 12 years without any expense in the Moonsiffs' Courts, and at a very trifling charge in the superior tribunals; the extent to which this privilege is used may be seen by reference to the statement, which shews 1264 applications "re-admitted" to 2137 "newly instituted" during the past year.

Ikbaldawa and *ex parte* decisions; right view of the subject taken in last report, (para 63,)

25. The subject of *ikbaldawa* and *ex parte* decrees has been well nigh exhausted, and the Court have already expressed their belief, that the view taken of it by the Judge of Allahabad (vide paragraph 63 of Court's last Report,) is the correct one, but it is true, as suggested by Mr. Lushington, that but for the relief derived from this circumstance, as well as from the frequent "default" of plaintiffs, and the even more general withdrawal or adjustment of suits, the Moonsiffs would be absolutely unable to get through their work. It may be added that the number of decisions *ex parte*, and on confession of judgment during the past year bears very much the same proportion to the whole number of decisions on trial, that it did in the year 1846.

they bear the same proportion nearly to the aggregate of decisions as last year.

Mr. Deane's opinion on Act V. of 1840 is subjoined.

26. Although the Court have in separate correspondence with the Government submitted all the information which they were able to obtain, as well as the opinions of the Principal Sudder Ameens, regarding the working of Act V. of 1840, and although the universal voice of the judicial officers, with but one or two exceptions, is in favor of its rescission, it may not be out of place to subjoin the remarks, which Mr. Deane has recorded; the subject is one of the first importance, and nothing that can in the smallest degree assist the deliberations of the Government, with whom the ultimate decision of the question must rest, should be withheld. "In the last annual "Report, my predecessor, Mr. Lushington, took occasion emphatically to "declare his views of the effect of Act V. of 1840, and although the subject "may seem to be well nigh exhausted, I am too deeply sensible of its import-"ance to pass it by without a few words. The Sudder Court have at length "succeeded in forcing the question on the consideration of Government, and "the several Principal Sudder Ameens have been called on to record their "opinions for or against the present system. Of one of these officers only are "the sentiments known to me, of the Principal Sudder Ameen at Moradabad; "but I venture to predict that the whole body will be unanimous in their "condemnation of the existing law, I believe that the most intelligent of them "will be agreed in this that under the former system, a small but certain "amount of good was secured which is surrendered under the present. No "one can be long conversant with a public office in this country, without "perceiving that in a vast number of cases, the value of evidence does not at "all depend on the use of an oath. At the same time he cannot fail to see, "that cases *occasionally* come before him, in which an appeal to the super-"stitious fears of a witness is effectual to extort the truth, when no solemnity "of affirmation would have brought it to light. Something then has been lost "by the abolition of the oath, and what has been gained in exchange? abso-"lutely nothing, except the seeming credit of having taken a step in the right "direction. But though the step is in the right direction, it has been taken "too soon. The measure has met with the wonted fate of ill-timed reforms "and the remedy is sought for in the abdicated evil. And there is "this impediment to a return to the old system, that by the generality of "mankind the distinction is not drawn between the use of a superstition for "beneficial purposes and the countenance and encouragement of it."

The capacity, positive or relative of the native Judges to find facts, regarding which Mr. Deane and the Judge differ, is not a fit question for discussion here:

each appellate officer must necessarily form his own opinion on this point, and be guided by it.

27. The 2nd paragraph of Mr. Deane's minute, and the 16th of the Judge's report relate to a subject which the Court see no utility in discussing the capacity of the native Judges to properly appreciate the character and the value of evidence, and to decide on matters of fact, is a question, which every judicial officer in this country must determine for himself, and the opinion which he may form will of course guide him in a great measure in the adjudication of appeals from their decisions: no rule can be laid down, no principle declared, which can influence judgment in this respect, and it is remarkable that, differing as Messrs. Lushington and Deane will be seen to do by reference to their remarks which are subjoined, the result of appeals during the past year, when the latter was for the most part in charge, should correspond so nearly as it does with that exhibited in the report for 1846 during the incumbency of the former; the difference in the proportion of reversals little exceeds 1 per cent., having been 36·77 per cent. in 1846, and 38·3 per cent., during the year under review. "The number of decisions "reversed in appeal has been larger during my tenure of office than it was "under Mr. Lushington. Perhaps this may in some degree be explained "when I express my dissent from Mr. Lushington's opinion, that a native "Judge is as well able to decide on questions of fact as an European Judge. "My own experience has led me to an opposite conclusion. The native "officer possesses indeed means of information of which no English func-"tionary would seek to avail himself, and it is because he has this know-"ledge, and very often cannot avoid having it, that his decisions on matters "of fact are more correct, where they are more correct, not because he is "skilled to discriminate between what constitutes good and worthless "evidence, to discern the relative value of reasons and of facts. Seldom is a "native Judge to be met with, who comprehends the character of human "testimony according to the definition which Paley has given of it, sub-"stantial truth under circumstantial variety. On the contrary, the most exact "and overdone congruity of statement in a case in which many witnesses "are called, so far from affording ground for suspicion, is commonly set "down as overwhelming proof. I speak of these things as they have fallen "under my own notice. I have known evidence rejected as unsatisfactory "because one witness described an occurrence to have taken place on a "Wednesday and another witness on a Thursday, several years ago. "But should a defendant bring witnesses to prove that he paid money "to a plaintiff, perhaps ten years since, and these witnesses agree in "representing the rupees to have been Bareilly and not Furruckabad rupees, "to have been paid by two or by four at a time, to a plaintiff with a green "turban in a room of which the floor cloth was blue, and should they conspire "to detail other minute circumstances which no uninterested person would "have noted, or if noted, have remembered, the suit would very probably be "dismissed as unfounded. Let it not be thought that I under-rate the useful-"ness of the native Judges. I would only hesitate to give them credit for that "which it rarely falls within their means to attain. The power of every man "to weigh testimony will depend not on the extent of his natural capacity "only, but on the extent of his intercourse with mankind on the degree of "assiduity with which he has studied human nature, on the direction which his "education has taken on his habits and opportunities of observation." Extract "(p. 16) from Judge's report. "This is not the place for *discussion* or I should "enter fully upon the subject of Mr. Deane's 2nd paragraph which refers to a "difference of opinion which exists between that gentleman and myself as to

" the relative capacity of European and native Judges to decide upon questions " of fact; I will content myself with admitting that all which Mr. Deane has " said, is frequently true, but not *so* frequently as to warrant the conclusion " at which he arrives. I do not admit that a native Judge is seldom to be " met with, who can comprehend the true character of native testimony, " and as to that affection on their part for extreme congruity of state- " ment I attribute it, not to the erroneous idea that such congruity neces- " sarily constitutes proof, but to the habit of seeking for reasons by which " to support their decisions, and to the anxiety which they feel lest those " decisions should be reversed. The causes which I assign to the effect " which I admit are not very creditable to the parties who are supposed to " be influenced by them; but they are far less mischievous, than the cause " assigned by Mr. Deane. The Judge, who estimates the amount of proof " by the degree of congruity between many *native* witnesses, must be " incessantly wrong, but it signifies little, if in his anxiety to multiply argu- " ments, and to make his decision agreeable to the contents of the *nisl*, he " add weak reasons to those stronger ones, which influenced his decision. " The reasons recorded in a Moonsiff's decree are not always those which " most influenced the decision, as they will admit whenever the question is " discreetly put to them, and amongst such reasons is the one alluded to by " Mr. Deane himself 'means of information,' that is to say, which an English " Judge does not avail himself of. If I were not afraid of giving these " remarks the character of controversy, I should quote the concluding passage " of Mr. Deane's second paragraph as strongly favoring my opinion; surely " the extent of a Moonsiff's intercourse with that portion of mankind " which now concerns us; the direction which his education has taken; " and, above all, his habits and opportunities of observation are all in " favor of his power to weigh the testimony of ordinary witnesses better than " a European Judge can do."

Mohesh Chunder, Sudder Ameen of Bijnour, formerly employed at Goorgaon, should be transferred to Bengal for reasons stated in former reports, and separate correspondence.

28. Among the native judicial officers employed in this district (who are generally well reported of) is one Mohesh Chunder, the circumstances of whose appointment to the judicial department were explained in the 6th paragraph of the Court's Report for 1844; on that occasion, and subsequently in separate correspondence the unfitness of Mohesh Chunder for judicial office in these provinces, whatever his ability might be, by reason of his unacquaintance with the language in which proceedings are conducted, was pointed out, and the expediency of transferring him to a similar appointment under the Bengal Government was suggested: more than a year has now elapsed since this correspondence closed with an assurance on the part of the Government of Bengal, that the " first opportunity would be taken of " appointing Mohesh Chunder to a vacant Sudder Ameenship" but he is still acting in that capacity at Bijnour, and, as might be expected from the fact above stated, fails to give satisfaction. The Court quite agree with the Judge in thinking that Rohilkund is a very unsuitable place for the exercise of his abilities, and they hope that in pursuance of their recommendation, repeated in my letter, No. 424, dated 25th March last, his transfer to the lower provinces may be shortly effected.

No further remark is required.

29. The Court are not aware that there is any other point, connected with the Civil administration in this District during the past year, which calls for remark.

ZILLAH BAREILLY.

No. 1.—Comparative Statement.

	Pending at the beginning of each yr.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Case pending beyond 1 year.	Value of original suits and appeals pendg. on 31st Dec.
	1	2	3	4	5	6	7	8	9	10	11
1846,....	2700	7295	1356	11351	1310	4914	1054	1266	2807	18	441219
1847,....	2807	9233	530	12570	491	*6399	1034	1679	2967	17	412075
Increase, ...	107	1938	0	1219	0	1485	0	413	160	0	0
Decrease,....	0	0	826	0	819	0	20	0	0	1	29144

* Of which *ex parte*, .. 1238
Confession of judgment, 2182
—— 3420
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, 212 *Days*
Session and Criminal Sittings, ,, ,,
‡ S to S. D. A.

Names and designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judges: Messrs. S. Fraser and J. Lean, Orgls.	0	0	3	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appls.	235	583	2	820	234	167	6	10	403	0	70858	0	0	3	1	2	0	0	1·63
P. S. A. Mr. J. P. Ledlie, Orgls	50	39	18	107	1	65	5	4	32	1	103119	12	27	‡37	16	15	2	0	9·9
Appls.	211	0	235	446	3	279	52	3	109	8	11708	0	0						
S. A. Khan Buhadoor Khan, Bareilly, ..	122	208	61	391	14	221	19	27	107	1	69337	103	486	52	28	30	1	3	19·25
S. A. Mashook Alee Khan, Pillibheet, ..	107	381	6	494	1	288	62	61	82	0				31	7	19	0	0	7·54
Moonsiffs. Amanut Hoosscin, Bareilly, ..	177	529	57	763	9	393	57	135	169	0				69	18	31	8	4	11·79
Moulvee Mahomed Hoosscin, Suburbs,	302	865	7	1174	115	563	39	164	293	0				34	9	25	4	0	4·43
Moulvee Abdoollah, Budaon, ..	107	1030	10	1147	101	696	87	164	99	1				39	22	39	6	1	4·11
Mohd. Wuzeeroodeen, Budaon, ..	163	327	103	593	3	362	32	107	89	2				19	13	14	4	1	3·79
Pundit Hurnath, Beesulpoor, ..	86	563	14	663	0	287	111	110	155	1				42	16	29	6	2	8·26
Momin Alee Shahjehanpoor, ..	236	774	3	1013	5	519	89	139	261	0	157053	1326	6696	57	17	30	5	0	7·63
Mohd. Rehumtoollah, Suheswan, ..	265	923	2	1190	0	721	102	65	302	1				43	19	14	13	0	4·84
Mohd. Serajooddeen, Islamnugger, ..	176	531	2	709	0	384	84	92	149	1				42	13	17	4	1	7·5
Moulvee Nizamooddeen, Powaine, ..	188	710	2	870	0	372	151	132	215	1				38	3	8	1	0	5·8
Moulvee Abdool Jaleel, Tilhur, ..	235	1068	3	1306	0	603	73	308	322	0				51	0	9	2	0	5·18
Moulvee Keramutoollah, Sulecmpoor,	177	702		881	2	476	65	158	180	0				37	0	2	2	0	5·29
Total,..	2807	9233	530	12570	491	6399	1034	1679	2967	17	412075	1441	7209	594	182	270	58	12	6 51

40·26 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs, Nos 1 to 21,	90	345	18	459	39	178	53	0	189	1
,, ,, ,, 22 to 25,	59	5487	0	5546	0	5482	0	0	64	0
P. S. A. Do. ,, 1 to 21,	71	176	37	284	1	182	39	0	62	1
,, ,, ,, 22 to 25,	5	920	0	925	0	921	0	0	4	0
2 Sudder Ameens, ..	236	656	2	894	0	821	328	0	245	0
11 Moonsiffs, ..	1104	7625	44	8773	6	5270	2261	0	1236	0
Total, ..	1571	15209	101	16881	46	12154	2681	0	1800	2

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments, and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of Stamps.		
Moonsiff Bareilly, ..	2280	0	0	1976	8	0
,, Suburbs, ..	2280	0	0	3383	2	0
1st ,, Badaon, ..	1680	0	0	3707	12	0
2d ,, Badaon, ..	1680	0	0	1247	0	0
,, Beesulpoor, ..	1680	0	0	2661	14	0
,, Shahjehanpore	2280	0	0	3582	12	0
,, Suheswan, ..	1640	0	0	3610	14	0
,, Islamnugger,	1680	0	0	2107	6	0
,, Powaine, ..	1680	0	0	3206	2	0
,, Tilhur, ..	1680	0	0	4330	2	0
,, Sulecmpoor,..	1680	0	0	2214	14	0
Total,..	20280	0	0	32028	6	0

30. Mr. James Lean, who has reported on the administration during the past year, merely discharged the current duties of the office until the 29th January, and subsequently officiated as Judge from the 17th June to the close of December, the office having been held in the interval by the permanent incumbent, Mr. S. Fraser; Mr. Lean was prevented by his constant occupation as special Commissioner under Regulation III. of 1828, and Sessions Judge, and by frequent indisposition from giving his undivided attention to the Civil business of the Judge's Court, which, as will be observed, is unusually heavy, but the efficient services of the Principal Sudder Ameen Mr. Ledlie have been judiciously used in the decision of appeals, and the results are not unsatisfactory: the files were encumbered, it is true, with upwards of 500 appeals when the year closed, but few of them were of long standing, and nothing else than this can be expected until this jurisdiction is more nearly assimilated in extent to that of other Zillah Courts by being divided and placed under the supervision of two Judges: the proposal, submitted by the Court for this addition to the judicial agency in Rohilkhund, has been referred for the consideration of the Court of Directors, but the Court may nevertheless be permitted to allude to the very large increase, which has taken place in the income of business, as a further argument in favor of that measure, which, they trust, will be acceded to in justice, not only, to the officers employed, but to the people at large.

The report has been submitted by Mr. Lean who was prevented from giving his whole attention to the duties of Judge's Court, which are heavy;

but the services of the Principal Sudder Ameen have been used in the decision of appeals with good effect;

Court, however, think that this jurisdiction should be divided and placed under two Judges,

and refer to the large increase in the income of work as a further reason for that measure.

31. Notwithstanding the care and deliberation, with which the jurisdictions of the several Moonsiffs' Courts were revised, there seems to be still a very considerable inequality in the quantity of business instituted in many of them, the number of suits laid in the Tilhur Moonsiffee, for instance, exceeding 1,050, while in the Moonsiffees of the suburbs and of Beesulpore it falls short of 600, and in the 2nd Moonsiffee of Budaon, of 400: the arrangements have not been in force sufficiently long to admit of any conclusive inferences, but it will behove the local officers to attend to the facts shewn in the tables, and here alluded to, that means may be promptly taken to make such amendments as may be shewn by experience to be desirable.

Though the Moonsiffee jurisdictions have been revised, yet inequality of business in some of the Courts is apparent,

and correction thereof, if found necessary, should not be postponed.

32. The miscellaneous work, exhibited in table No. 3, includes the complete execution of 2,450 decrees, and the partial enforcement of 333 others; 2,567 applications were struck off on default of the decreeholders, a large proportion truly, but not peculiar to this jurisdiction, as stated in the 34th paragraph of the Court's Report for 1846.

Table No. 3, includes execution of decrees.

33. The Court do not desire to detain the Government with any further remarks: the tables speak for themselves, so far as the quantity of business dispatched is concerned; of their quality the result of appeals is an unsafe and uncertain criterion, especially when different officers have occupied the Judge's bench, and the Principal Sudder Ameen has taken a large share in their adjudication; there is no reason therefore for extending this section of the Report by speculating upon it, the less so as the subordinate judicial officers bear, generally, a high character for ability and carefulness; neither is there any matter touched upon in Mr. Lean's report, nor has any correspondence passed which it would be either useful or interesting to remark upon in this place.

Tables shew the business dispatched; of their quality no test can be had from the result of appeals, and there is no need to detain the Government with further remarks.

ZILLAH AGRA.

No 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846,..	699	2754	178	3631	132	1916	244	589	750	2	124685
1847,..	750	4294	145	5189	108	*3037	354	986	704	2	630913
Increase,....	51	1540	0	1558	0	1121	110	397	0	0	506228
Decrease, ...	0	0	33	0	24	0	0	0	46	0	0

* Of which *ex parte*, .. 566
Confession of judgment, 1203
——1769
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, 109 *Days*.
Session & Criminal Sittings, .. 101 ,,
‡ 5 to S. D. A.

Names and designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of Appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judges: Messrs. J. S. Boldero, and C. Allen, Orgls.	0	0	12	12	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appls	25	292	10	327	82	204	0	11	30	0	19422	0	0	10	9	1	0	0	4·65
P S.A. Ml. Kurreem oollah Khan, .. Orgls.	25	147	13	185	0	125	8	25	27	2	558025	49	98	‡43	19	18	0	1	20·09
Appls	28	0	82	110	2	54	0	2	52	0	5609	0	0						
S.A. Ukbur Ali Khan, Muttra	12	72	3	87	1	49	4	12	21	0	14389	14	58	13	8	5	0	1	20·
Moonsiffs. Mr. J. P. Lyons, Lalla Chuttoor Bhooj, .. Agra	303	762	7	1072	5	691	95	166	115	0				0	0	0	0	0	13·44
														128	36	68	0	2	
Ukbur Ali Khan, Muttra	139	808	4	951	3	462	8	320	158	0				19	7	15	0	1	2·4
Mirza Mohd. Ali Beg,.. Futtehpore,..	27	315	4	346	0	241	33	36	36	0				25	6	11	0	0	8·06
Syud Ubbas Ali, MeerSalamat Ali Bah,	27	427	1	455	1	251	23	106	74	0	33468	378	3405	0	0	0	0	0	6·84
														26	5	11	0	1	
Ewuz Ali Khan, Etmadpare, ...	60	481	6	547	0	332	126	23	66	0				15	3	8	0	1	3·11
Subheeooddeen, Jullaisur, ...	57	451	1	509	2	336	23	98	50	0				25	4	16	0	4	8·47
GholamMoheeood-deen, .. Moulvee Ali Buksh, .. Maat,	47	539	2	588	0	292	31	187	75	0				0	0	0	0	0	1·92
														10	4	6	0	1	
Total, ..	750	4294	145	5189	108	3037	354	986	704	2	630913	441	3561	314	101	159	0	12	7·1

38·84 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headings, Nos. 1 to 21	63	264	25	352	39	213	35	0	65	0
,, ,, ,, 22 to 25	0	3636	0	3636	0	3636	0	0	0	0
P. S. A. headings, ,, 1 to 21	27	303	45	375	0	134	182	0	59	0
,, ,, ,, 22 to 25	0	876	1	877	0	877	0	0	0	0
Sudder Ameen, ...	137	1029	7	1173	1	631	424	0	117	0
6 Moonsiffs, ...	364	4464	245	5073	158	3425	1145	0	345	0
Total, ..	591	10572	323	11486	198	8916	1786	0	586	0

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of stamps.		
Moonsiff Agra,....	1680	0	0	2957	14	0
Ditto Futtehpoor,..	1680	0	0	1399	4	0
Ditto Bah,.....	1680	0	0	2056	6	0
Ditto Etmadpoor,..	2280	0	0	1853	14	0
Ditto Jullaisur,....	1680	0	0	1967	4	0
Ditto Maat, ...	1680	0	0	2466	12	0
Total,..	10680	0	0	12700	6	0

34. With the exception of three months, when Mr. C. Allen officiated in this judgeship, the administration was superintended by Mr. Boldero, whose report, as it contains only a recapitulation of all the details which are more clearly and compendiously exhibited in the preceding tables, calls for no remark whatever. The large increase observable in the number of suits instituted, is principally attributable to the enlargement of the Agra jurisdiction by the annexation of the Maat and Juleysur Moonsiffees, which, though it took place on the re-opening of the Civil Courts after the Dusschrah vacation of 1846, did not exhibit its full effect until the past year, but irrespectively of the suits laid in those Courts, there was a considerable addition to the income of business, and, as usual, a corresponding increase in the number of *ex parte* decisions, of judgments confessed, and suits adjusted is apparent; though 1,540 more cases are said to have been instituted during the past than in the preceding year, the average of each officer's decisions in contested suits during the former only exceeded that in the latter period by 32 (141 in 1847 to 109 in 1846) so that the *actual* increase of labor has been very incommensurate with the *apparent* increase of business. When the year ended, there was no arrear of consequence, and the Court believe that suitors have no reason to complain of delay on the part of the Courts in the adjudication or the enforcement of their claims; 717 decrees were fully, 551 partially executed, and the large number of 1,488 applications were struck off on default of the decreeholders.

Mr. Boldero's report contains only a recapitulation of all the details shewn in the tables, and calls for no remark.

The increase in the No. of suits instituted is chiefly owing to the annexation to Agra jurisdiction of two Moonsiffees;

still the *actual* increase of labor has been unequal with the *apparent* increase of business.

35. It will be observed that the Sudder Ameen of Muttra is engaged for the most part in deciding suits within the legal competency of a Moonsiff, and that his Court, and that of the Agra Moonsiff excepted, all the other tribunals receive, each, a pretty equal share of the Civil business of the district: the Futtehpoor file is rather light, but it is sufficient, if proper attention be given to it, to afford full employment to the Moonsiff.

With one or two exceptions all the native Judges receive an equal share of work.

36. It is seldom that the aid of the Principal Sudder Ameen is required in his appellate capacity in this district; but the larger number of appeals preferred during the past year may have rendered it expedient to use his services in disposing of a portion: of the 54 which he tried, one-half ended in the reversal or modification of the lower Court's decision, and this, together with the fact of the Judge's Court having been presided over by another officer for three months, may have produced the difference of 15 per cent., which is observable in the general proportion of reversals during the past, as compared with the preceding year. Every fact of this kind tends to shew the influence of individual opinion on the result of appeals, and to prove its uncertainty as a test of official qualification and merit.

Principal Sudder Ameen assisted last year in deciding appeals,

and the effect appears in the different result thereof.

37. There has been no correspondence, which it would be useful to recapitulate, and no subject of a general nature is touched upon in the Judge's Report.

No other subject needs notice.

ZILLAH FURRUCKABAD.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by Transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn	Pending at the end of each year.	Cases pendg. beyond 1yr.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846,.. ..	874	3402	234	4510	249	2660	366	698	537	1	114731
1847, ...	537	3580	132	4249	155	*2549	316	576	653	0	115543
Increase, ...	0	178	0	0	0	0	0	0	116	0	812
Decrease, ...	337	0	102	261	94	111	50	122	0	1	0

* Of which *ex parte*, .. 286
Confession of judgment, 881
1167
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, .. 127 *Days.*
Session and Criminal Sittings, .. 121 ,,
‡ 1 to S. D. A.

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge: Mr. E. H. Morland, ..	Orgls. 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls. 44	306	0	350	41	226	12	7	61	0	15599	0	0	1	1	0	0	0	·40
P. S. A. Mr. J. Mercer, ..	Orgls. 60	136	64	260	7	173	16	32	32	0	63064	51	85	‡66	19	33	4	4	29·59
	Appls. 1	0	45	46	0	2	0	0	44	0	3697	0	0						
S. A. (None.) ..	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs. Moh. Hussun, Furruckabad,	66	661	0	727	46	392	55	146	88	0				55	9	33	2	0	9·27
Hyder Ali Khan, ditto, ..	91	624	7	722	49	399	86	102	86	0				57	7	36	2	1	9·71
Rajkoomar, Doondwara, ..	87	485	1	573	0	386	52	36	99	0				16	5	4	0	1	3·37
Kurrum Ali Khan, Kaemgunj,	47	383	1	433	4	305	22	42	60	0	33183	423	2715	19	3	12	0	0	5·14
Elahee Buksh, Chibramow,	56	464	9	529	2	314	44	125	44	0				43	8	21	1	0	8· 9
Gunput Rae, Kunouj, ..	85	519	5	609	3	352	29	86	139	0				52	12	27	3	1	11·13
Total, ..	537	3580	132	4249	155	2549	316	576	653	0	115543	474	2800	309	64	166	12	7	8·97

27·83 per cent. reversals,

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headings. Nos. 1 to 21,	24	387	10	421	106	245	39	0	31	0
,, ,, ,, 22 to 25,	53	6223	0	6276	4	6212	0	0	60	0
P. S. A. ditto Nos. 1 to 21,	87	448	80	615	0	332	176	0	107	0
,, ,, ,, 22 to 25,	20	919	0	939	0	928	0	0	11	0
S. Ameens, (None,).. ..	0	0	0	0	0	0	0	0	0	0
6 Moonsiffs, ...	462	5825	118	6405	45	5053	849	0	458	1
Total, ..	646	13802	208	14656	155	12770	1064	0	667	1

No. 4.—Statement of cost incurred in the maintenance of the subordinate judicial establishments, and amount realized by sale of Stamps.

Moonsiffees.	Cost.			Amount realized by sale of Stamps.		
1st Moonsiff of Furruckabad, ..	1680	0	0	2667	0	0
2d Ditto ditto, ..	2280	0	0	2321	10	0
,, Ditto Doondwara, .	1680	0	0	1870	8	0
,, Ditto Kaemgunj,..	1680	0	0	1730	12	0
,, Ditto Chibramow, .	1680	0	0	1890	4	0
,, Ditto Kunouj, ..	1680	0	0	1957	8	0
Total,..	10680	0	0	12437	10	0

38. But few remarks are required in elucidation of the foregoing tables, the less, as Mr. Morland, the officiating Judge, has commented at considerable length on the results, as therein represented, and on the share, which each of his subordinates has taken in the administration during the past year: he expresses himself satisfied with the exertions of all, and takes exception to the official character of one only, the Moonsiff of Doondwara, of whose judicial impartiality he saw strong reason, in the proceedings of one case that came before him, to entertain serious doubts. The Court are satisfied that Mr. Morland, if he should continue in this judgeship, will keep a careful watch over the future conduct of this officer, and take prompt measures for his removal, if he should have good grounds for calling his integrity in question. He was once borne on the establishment of this Court, who, with reference to the circumstances which led to his discharge, are more inclined to doubt his honesty than his ability. It will be observed that table No. 1 shews fewer decisions on trial than the statements for 1846 exhibited, and it is fair to the officers engaged to explain, that the falling off is rather nominal than real, being attributable to the reduction in the number of suits adjusted, and those decided *ex parte*, and on confession of judgment; the number of *contested* suits disposed of in all the Courts very nearly corresponds with that which the statements for 1846 represented, and these alone necessarily call for the expenditure of time and for deliberation in their decision.

Officiating Judge comments on the work done, as represented above, supersede the necessity of much remark.

Table No 1, shews fewer decisions on trial as compared with 1846, but the falling off is nominal,

contested suits disposed of being nearly the same as in 1846.

39. A comparison of the entries in the last 6 columns of table No. 20, with the corresponding information given in the same table for 1846 will tend to confirm the justice of the opinion expressed by the Court in the 14th paragraph of their last Report: they then observed, that "it was impossible to form a satisfactory, much less a conclusive judgment respecting "the qualifications of the judicial officers on figured statements, however "comprehensive and exact," and they are only strengthened in this view by the comparison, which is here invited. The proportion of appeals preferred from the decisions of the lower Courts is larger; but this, as Mr. Morland observes, may have been caused by "the knowledge that he had never before "held the office of Judge;" but while the reversals in 1846 averaged 43·84 per cent., they did not in the past year exceed 27·82 per cent., and this, notwithstanding the employment for the most part of the same individual officers in the lower Courts. The difference can arise only from the change of incumbency in the appellate Court, and few circumstances can place in a more striking light, than the facts above adverted to do, the effect of individual opinion on the result of appeals, and consequently the unsoundness of any judgment, which may be founded solely or principally on that result, regarding the qualifications of those whose decisions may have been revised.

The opinion expressed in para. 14 of report 1846, is supported by comparing the appeal statement of this with that of the last year, as pointed out in the text.

40. The 25th paragraph of Mr. Morland's report, which relates to the operation of Regulation VI. of 1832, as applied to the trial of Civil cases, is subjoined: 51 cases were disposed of with the aid of the agency, which it allows, and in one only did the final judgment differ from the opinion or verdict delivered. "I have not availed myself of the assistance of a jury "so much as my predecessor, having merely called them in to decide on "intricate questions of accounts, and country usage, and in consequence of "the difficulty of collecting persons of the character required at the time "that the case has come on for decision. That I have a high opinion of "their usefulness may be inferred from the fact that I have only once

Extract from Mr. Morland's report regarding the operation of Regulation VI. of 1832, is subjoined.

"differed from their verdict, and it is my intention to resort much more "to their aid, experience having taught me how serviceable they may be. "I have in reply to the Court's Circular Order Nizamut Aduwlut, No. 1148 "of the 14th December 1847, expressed my opinion of the desirable- "ness of empowering Judges to compel the attendance of jurymen, "and I may mention that when I have invited *shroffs*, and other respect- "able natives to form a jury, their objections have always been easily over- "come, on my explaining to them that they have not been called merely "*pro formâ*; but in reality that their verdicts may enable me to form a more "correct judgment in the case. I have been unsuccessful in my endea- "vors to persuade parties to refer many suits to arbitrators."

Results in the execution of decrees imputed to the same cause, as stated in Court's last Report.

41. It was stated in the Court's last Report, that, though there was "no want of activity in carrying out decrees to execution" yet there was "a great want of success in enforcing the settlement of adjudicated claims," and such would seem to have been the case during the past year also, as shewn by the following extract from the statements.

Completely executed, ...	....	640
Partly executed, ...	....	1188
		——1828
Struck off on default, ...	...	994
		——2822

Institution of suits on forged documents believed to have been checked by criminal prosecution in one instance.

42. The Court are led to believe by the following extract (paragraph 26) from the officiating Judge's report, that the institution of suits on forged documents has been in some measure checked by the criminal prosecution and punishment of one influential resident of this district, and they desire to urge upon all the Judges the propriety of invariably pursuing the same course, whenever there may be reasonable grounds for suspecting fraud or forgery. The crime may be *checked* by secondary measures, which the Court have elsewhere* recommended, but it will never be suppressed without the aid of the criminal law, and the determination of the district officers to appeal to it, whenever proof may be available.

but the same course should be pursued invariably.

"The "institution of suits on forged documents still continues in this district, "but I trust not now to any very great extent, sufficiently so however "to cause me to examine with the greatest caution, cases of bond debts, "which are denied *in toto* by the defendants. The example which has hap- "pily been made of the parties implicated in the case, referred to in my "remarks on the Moonsiff of Doondwara, will I trust have a good effect. "The principal convicted in that case, if rumour is correct, has long been "notorious for bringing suits on spurious documents, and his punishment "has I believe given universal satisfaction in the division."

Correspondence passed in 1846, rules that a pecuniary allowance from Government in lieu of rent-free lands is liable to process of Civil Court.

43. It may be useful to add, that, in correspondence,† which passed during 1846 (extract from which is printed in the Appendix A,) it has been held as a general rule, that a pecuniary allowance from Government in lieu of rent-free lands is not of the nature of a pension exempted from attachment by Regulation XII. of 1814, and is therefore liable to the process of the Civil Courts in execution of decrees.

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* *Vide* my letter to your address, No. 1581, dated 26th November, 1847.

† From officiating Judge of Furruckabad, No. 54, dated 11th May, 1847.
To Ditto in reply, No. 729, dated 25th idem, (paragraphs 1 and 2.)

ZILLAH MYNPOORY.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846, ...	487	2662	242	3391	229	1824	274	513	551	4	80353
1847, ...	551	2406	239	3196	222	1786 *	341	371	476	10	1.7306
Increase, ...	64	0	0	0	0	0	67	0	0	6	36953
Decrease,....	0	256	3	195	7	38	0	142	75	0	0

* Of which *ex parte*, .. 198
Confession of judgment, 801
—— 999

Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, .. 50 *Days.*
Session and Criminal Sittings .. .. 155 ,,
‡ 12 to S. D. A.

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judges: Messrs. C. F. Thompson, H. Unwin and D. Robertson, ..	Orgls.	0	45	11	56	56	0	0	0	0	0	0	27	18	0	0	0	0	0	0
	Appls.	54	205	0	259	154	26	5	2	72	8	39077	0	0	1	1	0	0	0	3·03
P. S. A. Mohd. Fazl Azeem Khan, and Mohumed Hoossein Khan,	Orgls.	35	32	47	114	1	71	2	5	35	0	41336	18	14						
	Appls.	28	0	157	135	0	151	5	4	25	1	1988	0	0	‡32	4	10	0	2	13·57
S. A. (None,)		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs. Lala Soondur Lall, Mynpoory		86	447	6	539	2	351	37	93	56	0				39	9	26	2	0	8·1
Moulvee Enuzut Hossein, ..	Shekoabad, ..	62	321	11	394	1	322	9	12	50	0				29	17	18	1	2	8·45
Lala Sree Gouri Churn Surn Sheodial, ..	Sirpoorah, ..	76	337	2	415	1	232	39	109	35	0	31905	369	1755	31	16	16	3	1	8·17
Pundit Ruttun Lall,	Etawah,	105	574	5	684	7	347	166	37	127	1				58	18	28	1	1	10·54
Moulvee Ulleemooddeen, ..	Puhpoond	105	445	0	550	0	286	78	110	76	0				17	9	8	3	0	3·58
Total, ...		551	2406	239	3196	222	1786	341	371	476	10	117306	414	1787	207	74	106	10	6	8·28

40·11 per cent. reversals.

No. 3—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headings, Nos. 1 to 21, ..	39	183	12	234	61	92	14	0	67	0
,, ,, ,, 22 to 25, ..	68	1933	0	2001	1	1938	0	0	62	9
P.S.A. headings, ,, 1 to 21, ..	41	224	60	325	1	230	64	0	30	0
,, ,, ,, 22 to 25, ..	2	1339	2	1343	0	1338	1	0	4	0
Sudder Ameen, (None), ...	0	0	0	0	0	0	0	0	0	0
5 Moonsiffs, ...	237	1655	11	1903	2	1103	601	0	197	1
Total, ..	387	5334	85	5806	65	4701	680	0	360	10

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of Stamps.		
Moonsiff Mynpoory,	2154	3	3	1872	4	0
Ditto Sheokoabad,	1680	0	0	1325	12	0
Ditto Sirpoorah, .	1676	3	7	1058	14	0
Ditto Etawah, ..	1660	10	0	2375	4	0
Ditto Puphoond, .	1637	8	5	1739	8	0
Total, ..	8808	9	3	8371	6	0

But for the lightness of the Judge's files, inconvenience might have arisen from his absence and consequences;

but the Principal Sudder Ameen's aid in hearing appeals, &c., was sufficient to prevent it.

44. It is fortunate that the income of business in the superior local Courts is small, for the Judge's Court, it may be said without much exaggeration, was closed during the greater part of 1847, and his duties in the hearing of appeals devolved almost entirely on the Principal Sudder Ameen. Sittings were held on 50 days only, it will be observed, on the Civil side, owing partly, first to Mr. C. F. Thompson's, then to Mr. Unwin's departure, and partly to the pressure of work in the Criminal department to which 155 days were devoted. Mr. Robertson, who officiated during Mr. Unwin's absence, was wholly occupied in disposing of Sessions trials and Criminal appeals, doing little more than discharge the current duties of the Judge's Court on the Civil side, and yet on Mr. Unwin's return in the beginning of November a heavy calendar and numerous appeals awaited him, and this, combined with the Mohurrum vacation and other holidays occurring in November and December, stood in the way of any attempt to clear the Civil files, either regular or miscellaneous, of the Judge's Court. Still, when the year closed, there was but little arrear, the services of the Principal Sudder Ameen having been, as above stated, largely used in the adjudication of appeals from the Moonsiff's decisions, and the Court are enabled to state that what then existed had ceased to encumber the files by the end of March last.

He is for this considered to merit the Court's acknowledgments,

and to credit also for his prosecution of forgery.

45. The Principal Sudder Ameen Mohumed Hoossein is entitled to the acknowledgments of the Court for the industry with which he has labored to avert the inconvenience that the absence of the Judge, and his occupation, when present, in the pressing work of the Sessions and Criminal department might have occasioned, and not only for this, but also for the determination which he has exhibited to suppress fraud, and the intelligence with which, aided by the Magistrate, he exposed a case of flagrant forgery, and prosecuted the perpetrators, one of whom was the "most influential zumeendar in pergunnah Shekoabad," in the Sessions Court. It is true that the parties concerned were subsequently acquitted by the Nizamut Adawlut for want of sufficient legal evidence, but the proceedings held will not have been without their effect, and the vigor with which they were prosecuted, is not the less deserving of commendation. The Court are induced to notice particularly this instance of activity on the part of the Principal Sudder Ameen, in the belief that without the co-operation of the native judicial officers fraudulent litigation, and the forgery which is too often unblushingly committed to support it, cannot be suppressed, and in the hope that others may be encouraged thereby to exhibit similar alacrity.

The large proportion of decisions reversed in appeal is remarkable.

46. The very large proportion of decisions reversed in appeal, as compared with that which the statements for 1846 exhibited, is the only remarkable feature in the foregoing tables. Any attempt to account for the difference of results would give occasion for much conjectural reasoning, but would lead to no satisfactory or evident conclusion.

Officiating Judge, in order to expedite delay in execution of decrees, suggests prohibition of private adjustments without notice being given to the Court:

47. Mr. Unwin, in referring to the subjects of the execution of decrees, notices the delay that is caused by the *defendant* filing numerous objections to the enforcement of the demand, as that payment by instalments has been agreed to by the decreeholder, or that the full claim has been amicably adjusted, and he seconds a proposal of the Principal Sudder Ameen to do away with this obstacle to the speedy execution of decrees by "prohibiting any

"private arrangements between the decreeholder and the defendant with-
"out due notice to the Court." It seems to the Court that any modification of the present practice, short of an absolute prohibition of private adjustments, must be nugatory, and a proposal to that effect could not of course be entertained for a moment by the legislature. The evil, however, is not of such magnitude as to call for legislation of any kind; there must always be a strong presumption against the validity of any objections that may be urged by a defendant to the enforcement of a claim adjudged against him, seeing that it is always in the power of a judgment debtor, on execution being sued out, to pay the money declared to be due into Court, and to take the Court's acknowledgment for the same, thereby effectually protecting himself from further molestation. If he choose to forego this privilege, and to submit to a private adjustment beyond the cognizance of the Court, he alone is chargeable with the consequences, and the legislature cannot interfere for their prevention. The law already affords him ample protection, and it is at his option to avail himself thereof or not, as he pleases.

but the evil is not so great, the Court think, as to call for any positive rule;

the less so, as the present law gives sufficient protection.

ZILLAH CAWNPOOR.

No. 1.—Comparative Statement.

	Pending at the beginning of each yr.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pendg. on 31st Dec.
	1	2	3	4	5	6	7	8	9	10	11
1846,....	625	2317	354	3296	279	1841	238	352	564	6	214295
1847,....	564	2310	254	3128	211	*1821	197	328	571	14	214632
Increase, ...	0	0	0	0	0	0	0	0	7	8	337
Decrease,....	61	7	100	168	68	21	61	25	0	0	0

* Of which *ex parte*, .. 281
Confession of judgment, 603
884
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, 137 *Days*. Session and Criminal Sittings, 107 „
‡ 10 to S. D. A.

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified	Confirmed.	Dismissed.	Withdrawn	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge: Mr. A. Spears, .. Orgls.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
† Judge: Mr. A. Spears, .. Appls.	113	386	3	502	193	157	13	6	133	4	78478	0	0	3	2	1	0	0	1·7
P. S. A. Mohd. Khadim Hoosein Khan, .. Orgls	34	58	11	104	0	52	8	10	34	6	85205	24	35	‡53	24	19	3	1	20·54
P. S. A. Mohd. Khadim Hoosein Khan, .. Appls	32	0	197	229	0	169	9	10	41	1	6056	0	0						
S. A. Salig Ram Opeidheea, and Mohd. Shookeroollah, Cawnpoor,..	55	98	20	173	2	114	5	13	39	1	18204	37	61	72	23	39	2	4	54·54
Moonsiffs. Mohud. Motuqqee, Cawnpoor, ..	74	407	3	484	1	293	27	98	65	0				63	23	30	5	5	15·07
Moonsiffs. Ubdool Hafiz Alee Khan, Colonelgunj,	50	217	2	269	3	168	12	33	53	0				75	25	25	4	3	35 21
Moonsiffs. Itrut Hooseein, Gujneyr, ...	60	378	2	440	1	278	37	62	62	0	26609	396	1371	34	13	20	3	0	9·01
Moonsiffs. Mohd. Rahemoollah, Derapoor, ..	59	343	7	409	0	300	30	35	44	1				46	14	28	1	1	12·6
Moonsiffs. Kulub Alee Shah, Sheorajpoor, ..	87	422	9	518	11	290	56	61	100	1				60	25	28	4	2	14·74
Total,..	564	2310	254	3128	211	1821	197	328	571	14	214632	459	1467	406	149	190	22	16	17·3

43·95 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headgs, Nos 1 to 21,	75	649	0	724	36	531	52	0	105	3
„ „ „ 22 to 25,	157	6773	2	6932	22	6683	58	0	167	19
P. S. A. Do. „ 1 to 21,	67	299	27	413	0	260	57	0	96	5
„ „ „ 22 to 25,	9	906	0	915	0	910	0	0	5	0
Sudder Ameens, ..	155	692	10	817	0	595	156	0	96	0
5 Moonsiffs, ..	389	2978	34	3101	2	2246	779	0	374	0
Total, ..	872	12287	73	13232	60	11225	1102	0	845	27

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments, and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of Stamps.		
Moonsiff Cawnpoor,	2232	11	11	1518	0	0
Ditto Colonelgunj,	1680	0	0	1004	12	0
Ditto Gujneyr, ..	1680	0	0	1622	10	0
Ditto Derapoor, ..	1008	1	3	1642	14	0
Ditto Sheorajpore,	1627	8	5	1816	14	0
Total, ..	8826	5	7	7605	2	0

48. The Civil business in this district during the past year was very similar, both in quantity and description, to that instituted in 1846, the individual Officers employed were, with one exception, the same, and the results as represented in the foregoing tables differ but very little; the arrear of old cases, though numerically large, consisted for the most part of remanded suits, and was therefore of little consequence, the less, as some of them had been decided at the date (13th April) of the Judge's Report, and the rest were in course of preparation; their protraction seems to have been unavoidable, and the same may be said of the miscellaneous cases, the majority of which related to the property of intestate persons, and could not be disposed of until the period of the advertisement prescribed by law had expired.

Business, and the officers employed, with one exception, were the same as in 1846, and results differ little;

the arrear of old cases was unimportant.

49. The Judge (Mr. A. Speirs) was unable to devote so large a portion of his time to the Civil business of his Court, as in 1846, owing to the increase of work in the Criminal department, to which every other official obligation is usually postponed; and to this circumstance, perhaps, the increase of pending cases at the end of the year, as compared with his file, on the 31st December 1846, is chiefly attributable: but few cases were decided with the aid of Assessors, Jurors or Punchayet, but Mr. Speirs states, that he "should make more use of the latter, had he any means of "compelling them to attend and give an award." However defensible compulsion may be, if applied to the convocation of a jury on the assembling of assessors for the trial of Criminal cases, the Court are not disposed to think, that any coercion could be with propriety used to secure the assistance of natives either as arbitrators or otherwise, in the adjudication of Civil actions, nor are they of opinion that such a measure would tend to improve the decisions of the Courts, or to promote the ends of justice.

The Judge could not devote so much of his time to Civil work as in 1846, owing to increased criminal business.

Regulation VI. of 1832 was little used;

Court do not think that coercion, as suggested by Mr. Speirs, could be used to secure the aid of native agency in Civil cases.

50. The only change, that took place during the past year, in the composition of the judicial establishment of this district, was occasioned by the illness of the Sudder Ameen, Saligram Pundit, and his subsequent dismissal, and the appointment of Mohumed Shookroollah to officiate in that capacity temporarily; the particulars were laid before the Government, in my letter, No. 1567, dated 25th November last, and, the office being declared vacant owing to the failure of the incumbent to resume his duties within the period of his leave notwithstanding that he had received full warning of the consequences, a successor was nominated and has recently joined his appointment. Shookroollah is said by Mr. Speirs to have acquitted himself creditably in his vicarious post.

The Sudder Ameen, Saligram Pundit, was dismissed his office, and a successor appointed, particulars of which are before the Government.

51. It may be added, with reference to the results exhibited in the last five columns of table No. 2, that the Principal Sudder Ameen took a large share in the disposal of appeals, confirming and reversing the decisions, that were revised by him, in equal proportions, while the Judge found reason to interfere with the lower Court's orders in the proportion of more than 30 per cent; of the Principal Sudder Ameen's (Khadim Hoossein) judgment the Court have reason to entertain a very indifferent opinion, with reference to cases, which came judicially before them during the past year, and which exhibited such strange departures from the commonest principles of law and justice, that an official censure was passed upon him: it may be stated, in corroboration of this opinion that, while his decisions during the past year in regular suits appealable to the Judge amounted to 49 in number, no less than 40 appeals in cases of the same description were instituted within the same period, and that, of 43 decisions revised in appeal, 24 were reversed; consequently, the general result of appeals, in the disposal of which this Officer took so large a share, cannot reflect with discredit on the

Many appeals were heard by Principal Sudder Ameen,

of whose judgment the Court have reason to entertain a poor opinion;

and therefore the result of appeals, affords no ground for questioning the ability of the subordinate Officers.

character of the Moonsiffs, who with one exception have secured, apparently, the favorable opinion of their superior.

There is no legal objection to the practice alluded to in the subjoined extract from Judge's report.

52. The Court are not aware that there is any legal objection to the practice, which is described in the subjoined extract (paragraph 13) from the Judge's Report as having been followed in serving notices on European Military Officers impleaded in the Civil Courts: it corresponds precisely with the rules prescribed in Clause 2, Section 4, Regulation XV. of 1816 for serving notice on Native Officers and Soldiers, against whom suit may be laid, and, in the absence of any specific course of procedure applicable to the parties mentioned, the provisions of the regulation cited may with propriety be extended to them. "It may not be out of place to mention that cases in "which suits have been instituted against European Officers serving in our "newly acquired provinces and places beyond the jurisdiction of our regu- "lar Courts or at Lucknow, Lahore, &c., it has been usual to transmit the "notice to the Officer commanding the Station or Regiment, with a request "that he would return it with an acknowledgment of its having been serv- "ed. This mode of proceeding seems the 'most certain and convenient' "mode of serving notices under Clause 3, Section 2, Regulation II. of 1806; "as far as I recollect, this is no recent mode of serving notices, and I only "mention it because I understood that in one case its legality had been "doubted, though it was not publicly objected to. The execution of decrees "against parties not within the jurisdiction of the Courts cannot be made "till they return again within the jurisdiction."

With reference to the practice of holding sales under Act IV. of 1846, in the long vacations,

and with reference to Judge's objection, he has been informed, that in urgent cases he is at liberty to order postponement of sale.

53. By the rules, subsidiary to Act IV. of 1846, it is provided that sales of property in execution of decree shall be held once in each month: and it was held during the past year, on a reference from Mr. Speirs, that the adjournment of the Civil Courts during the Dussehrah and Mohurrum vacations (they not being *close* holidays) could not under the rules stay the progress and completion of such sales within those periods: the objection now advanced by Mr. Speirs, that "if the Judge does not deem it incum- "bent on him to take petitions during the long holidays, parties may be put "to serious inconvenience" by the operation of the above order, is deserving of consideration, and he has been informed that in urgent cases of the nature indicated he may pass the necessary order for postponement of the sale, subject to re-consideration on the re-opening of the Courts for the regular transaction of business; the validity of such an order, which is not of a judicial character, hardly admits of question.

Pleaders, who have forfeited their *sunnuds* cannot recover them without passing examination.

54. In reply to an enquiry from Mr. Speirs during the past year, the Court informed him that pleaders, who had forfeited their *sunnuds* owing to continued absence without leave, or other cause, (even though the alleged reasons of their absence might be deemed sufficient) could not be re-admitted to practice without passing the examination prescribed by Section 4, Act I. of 1846, and the supplementary rules dated 3d August of the same year.

Correspondence regarding jurisdiction of Civil Courts in Cantonments referred to.

55. The questions adverted to in the 52d paragraph of the Court's last report have been discussed in separate correspondence,* and, though it has been declared that, generally, all lands within the limits of Cantonments are held on a permissive tenure, it is not improbable that cases may arise, the circumstances of which will exempt them from the operation of the rules, republished with the Government Notification of the 14th January last: in that event the Court will consider it their duty to re-open the consideration of the question.

* My letter, No. 1181, dated 16th August, 1847.
Your reply, No. 155, dated 14th January, 1848.

ZILLAH FUTTEHPOOR.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846, ...	342	1166	57	1565	13	1020	97	189	250	4	45101
1847, ...	250	1145	28	1423	0	*938	76	184	225	1	78015
Increase, ...	0	0	0	0	0	0	0	0	0	0	329 4
Decrease,....	92	21	29	142	13	82	17	5	25	3	0

* Of which *ex parte*, .. 146
Confession of judgment, 321
467

Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, .. 173 *Days.*
Session and Criminal Sittings .. .. 67 ,,

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judges: Messrs. H. B. Harington and H. Armstrong, ...	Orgls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls.	36	144	6	186	0	122	6	1	57	0	9493	0	0	7	6	1	0	0	5·42
P. S. A. Moulvee Mohd. Yusoof Hussun Khan,	Orgls.	28	98	4	130	0	85	1	4	40	1	59557	54	44	29	12	12	0	0	32·22
	Appls	0	0	0	0	0	0	0	0	0	0	0	0	0						
S. Ameen (None,)		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs. Lalla Nundlall and Gholam Ghose,	Futtehpoor,	106	446	6	558	0	365	35	93	63	0	8965	247	656	51	12	20	2	0	10·3
Syud Al Hussun,	Jehanabad,	20	203	3	232	0	159	8	52	13	0				19	4	16	1	0	8·67
Emad ool Hussun,	Hutgaon,	54	254	9	317	0	207	26	32	52	0				51	22	24	3	1	19·24
Total, ...		250	1145	28	1423	0	938	76	184	225	1	78015	301	700	157	56	73	6	1	13·1

43·41 per cent. reversals.

No. 3—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headings, Nos. 1 to 21, ..	6	147	0	153	9	123	2	0	19	0
,, ,, ,, 22 to 25, ..	91	3125	0	3216	11	3151	0	0	54	0
P.S.A. headings, ,, 1 to 21, ..	52	238	10	300	0	136	105	0	59	0
,, ,, ,, 22 to 25, ..	7	514	10	531	0	508	13	0	10	0
Sudder Ameen, (None), ...	0	0	0	0	0	0	0	0	0	0
3 Moonsiffs, ...	150	2306	1	2457	0	1989	346	0	122	0
Total, ..	306	6330	21	6657	20	5907	466	0	264	0

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of Stamps.		
Moonsiff Futtehpoor,	2280	0	0	1510	0	0
Ditto Jehanabad,	1680	0	0	755	4	0
Ditto Hutgaon, ..	1680	0	0	1357	4	0
Total, ..	5640	0	0	3622	8	0

The Officiating Judge, Mr. Armstrong,

explains increase of cases on his file, as stated in text:

he made but little use of Regulation VI. of 1832,

which has not yet, the Court think, had a fair trial, as applied to Civil business.

Work in this district is light, and no delay has occurred in its disposal;

Number of appeals from Hutgaon Moonsiffee contrasted with proportion from other Courts,

and Court's inference added.

Table No. 3, includes execution of decree cases.

The Court contemplated the abolition of the Jehanabad Moonsiff's Court,

but the Judge has suggested its removal to another spot, which is under consideration.

With exception of para. 14, published, the Judge's report requires no further notice,

but the publication of the correspondence noted below, may be useful.

56. Mr. Armstrong took charge of this Judgeship on the 3rd February 1847, and was uninterruptedly at his post throughout the year; of the 122 appeals that were disposed of in his Court, he passed judgment in 112, the other 10 having been decided by Mr. H. B. Harington, his predecessor, prior to his departure from this district on the 10th January: the small increase in the number of pending suits, as compared with his file at the end of 1847, is ascribed to the fact of many having been instituted towards the close of the year, and to the Judge's occupation, after the re-opening of the Courts at the end of the Dussehrah vacation, in the duties of the Sessions Court, to which, it will be observed, 67 days were devoted, in place of 39 as in 1846. Mr. Armstrong made use of the agency provided by Regulation VI. of 1832 in 7 cases only, passing final orders in all agreeably to the opinion of the *punchayet* who were convened; the system, brought into existence by this Law, does not seem to be extending, nor do the Court consider (as stated on a former occasion,) that its applicability to, and usefulness in, the trial of Civil cases can be fairly tried or judged of, until the option of acting upon its provisions be extended to the Principal Sudder Ameens.

57. In all the Courts of this district, with one exception, the income of Civil business is so light, that there is but little field for the exhibition of industry on the part of the native officers engaged: it is sufficient that no avoidable delay has been permitted, and that, so far as tabular statements enable the Court to form an opinion, the judicial duties of the subordinate Courts have been conducted efficiently and creditably; without entering into any examination of the merits, respectively, of the uncovenanted Judges, as inferrible from the tabular returns, it may be allowable to observe that the proportion of appeals preferred from the decisions of the Moonsiff of Hutgaon is greatly in excess of that observable in the case of his fellows, a fact, which can be accounted for only by supposing that the people have little confidence in his ability, and that his decisions fail to give satisfaction; the Judge, however, states that he is "an upright and intelligent officer."

58. The miscellaneous work represented in table No. 3 includes the complete execution of 284, and the partial enforcement of 218 decrees in all the Courts collectively.

59. The Court considered it incumbent upon them, on observing that at the close of 1847 only 13 regular suits awaited decision in the Jehanabad Moonsiffee, to confer with the Judge as to the propriety of reducing the Court in question, provided that this measure could be carried into execution without injury or inconvenience to the public. Mr. Armstrong has suggested, in preference to the immediate abolition of the Court, its removal to Bindkee, or some other centrical spot, and the Court are prepared to give their sanction to this experiment, if the Commissioner, whose opinion has been required, make no cogent objection.

60. An extract (paragraph 14,) from the Judge's report has been published in the form of a Circular Order, (No. 386, dated 21st March, 1848,) prohibiting the practice, which is described, if it be found to obtain in other districts. With this exception, no subject of general importance and interest is treated of in Mr. Armstrong's Report, but the publication, it is thought, of the correspondence noted below,* may be useful as shewing the opinion held by the Court on two points, which must constantly arise in the course of business; the one has reference to the effect of a refusal on the part of a mortgagee to swear to the truth of the accounts, given in agreeably to Section 10, Regulation XXXIV. of 1803, and the other, to a difficulty brought to notice in following the rules laid down for the filing of pleadings in Section 5, Regulation III. of 1803.

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* From Judge of Futtehpoor, No. 37, dated 25th September, 1847.
To Judge of Futtehpoor, No. 1398, dated 2d October.

From Judge of Futtehpoor, No. 15, dated 15th May, 1847.
To Judge of Futtehpoor, No. 742, dated 31st idem.
Vide Appendix (B.)

ZILLAH BUNDELKHUND.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846,..	344	1715	35	2094	4	1030	272	413	375	1	97918
1847,..	375	1665	207	2247	187	*1032	197	334	497	5	164512
Increase,....	31	0	172	153	183	2	0	0	122	4	66594
Decrease, ...	0	50	0	0	0	0	75	79	0	0	0

* Of which *ex parte*, ... 232
Confession of judgment, .. 348
580
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, 136 *Days*.
Session & Criminal Sittings, .. 86 „

‡ 1 to S. D. A.

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of Appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge: Mr. S. G. Smith, ...	Orgls	0	0	93	93	93	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls.	79	155	0	234	0	144	4	4	82	2	21960	0	0	3	3	0	0	1·97
P. S. A. Gholam Ghous, ...	Orgls.	19	71	93	183	0	83	35	9	56	1	109648	29	42	‡27	7	16	0	3	21·25
	Appls	0	0	0	0	0	0	0	0	0	0	0	0	0						
Sudder Ameen [None], ..		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs. Luchmun Pershad, Banda, ...		92	429	8	529	42	305	36	72	74	0				47	14	24	2	1	11·38
Moonsiffs. Mashook Ali, Teroha, ..		39	281	11	331	0	191	44	40	56	0	32904	284	1155	28	15	23	1	0	10·18
Moonsiffs. Yaseen Shah Khan, Jelalpoor, ...		146	729	2	877	52	309	78	209	229	2				54	21	25	1	0	9·06
Total, ..		375	1665	207	2247	187	1032	197	334	497	5	16,512	313	1197	159	60	88	4	4	10·17

40·54 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headings, Nos. 1 to 21	55	205	0	260	79	158	6	0	17	0
„ „ „ 22 to 25	70	1293	0	1363	2	1321	2	0	38	0
P. S. A. headgs. „ 1 to 21	95	271	79	445	0	185	203	0	57	0
„ „ „ 22 to 25	9	793	1	803	0	796	0	0	7	0
Sudder Ameen, (None) ..	0	0	0	0	0	0	0	0	0	0
3 Moonsiffs, ...	253	1390	0	1619	0	930	453	0	266	1
Total, ..	482	3958	80	4520	81	3390	664	0	385	1

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of Stamps.		
Moonsiff Banda, ..	2280	0	0	1930	4	0
Ditto Teroha, ..	1680	0	0	1290	0	0
Ditto Jelalpoor, ..	1680	0	0	3767	12	0
Total,..	5640	0	0	6988	0	0

Result of administration the same as in the past year, and the tables call for no remark;

61. The result of the administration in this district during the past year is so very similar to that exhibited in the returns for 1846, and the foregoing tables present so little worthy of special notice, that the Court may be excused for passing on at once to other matter, merely observing that the frequent indisposition, to which Mr. S. G. Smith the Judge alludes in the 2nd paragraph of his letter, has not apparently interfered with the transaction of business in his Court, and that, the Moonsiff of Julalpore excepted, all the subordinate judicial officers have secured the favorable opinion of their superior by their industry and intelligence.

The illness of the Judge Mr. Smith, has not interfered with the performance of business of his Court.

Judge's Report requires no further notice; the question raised relative to the opposition of the Nawab of Banda to the jurisdiction of the Civil Courts having been settled,

Circular Order, No. 664, dated 17th May last, regarding Section 4, Regulation III. of 1804, had its origin in a reference from this Judgeship.

62. No general subject of any kind is touched upon in the Judge's report: there was much correspondence, as the Government are aware, during the past year, relative to the opposition offered by the Nawab of Banda to the jurisdiction of the Civil Courts within the limit of his "Cantonment," but the questions raised have been set at rest by the submission of the Nawab, or the orders of Government, and, being moreover of purely local importance, need not be brought under notice again in this place. The Circular Order, No. 664, dated 17th May last, regarding the applicability of Section 4, Regulation III. of 1804, and the course to be followed by Civil Judges in enforcing it against persons absconding, whilst under charge of forgery before them, had its origin in a reference from this Judgeship, and other correspondence there was none, the substance of which it would be worth while to recapitulate.

ZILLAH ALLAHABAD.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by Transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 yr.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846,.. ..	505	2789	47	3341	28	2373	155	410	380	1	188451
1847, ...	380	2696	78	3154	44	*2167	111	313	519	1	169494
Increase, ...	0	0	31	0	21	0	0	0	139	0	0
Decrease, ...	125	93	0	187	0	206	44	97	0	0	18957

* Of which *ex parte*, .. 538
Confession of judgment, 439
977
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, .. 182 *Days.*
Session and Criminal Sittings, .. 57 ,,
‡ 2 to S. D. A.

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge: Mr. A. Lang, { Orgls.	0	3	11	14	10	3	0	0	1	0	6251	3	0	0	0	0	0	0	0
{ Appls.	16	298	5	319	21	226	2	14	56	1	25666	0	0	6	6	0	0	0	2·47
P. S. A. Moulve Ruzeeoddeen, .. { Orgls.	72	208	15	295	2	204	6	8	75	0	112532	71	137	‡85	36	37	0	1	35·56
{ Appls.	0	0	21	21	0	21	0	0	0	0	0	0	0						
S. A. (None,) ..	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs, Syud Abdoollah, Allahabad,	67	708	4	779	4	598	8	120	49	0				34	8	21	0	1	4·68
Syud Sullamut Alee, { Kydgunge,	54	627	10	691	5	457	35	112	82	0	25045	589	1598	67	14	28	1	5	11·09
Kanjeesuhae, Munjunpoor,	119	420	2	541	2	357	32	23	127	0				48	17	30	1	1	11·65
Heyth Lall, Phoolpoor, ..	52	432	10	494	0	301	28	36	129	0				71	25	33	0	6	19·45
Total, ..	380	2696	78	3154	44	2167	111	313	519	1	169494	663	1735	311	106	149	2	14	12·

41·56 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headings, Nos. 1 to 21,	13	307	0	320	39	251	14	0	16	0
,, ,, ,, 22 to 25,	17	4584	0	4601	0	4568	0	0	33	0
P. S. A. ditto, Nos. 1 to 21,	207	544	28	779	2	511	134	0	132	0
,, ,, ,, 22 to 25,	0	122	0	122	0	122	0	0	0	0
S. Ameen, (None,).. ..	0	0	0	0	0	0	0	0	0	0
4 Moonsiffs, ...	490	2816	1	3307	0	1820	1091	0	396	0
Total, ..	727	8373	29	9129	41	7272	1239	0	577	0

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments, and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amount realized by sale of Stamps.		
Moonsiff Allahabad,..	2280	0	0	2833	8	0
Ditto Kydgunge,..	1680	0	0	2220	4	0
Ditto Munjunpoor,	2280	0	0	2224	12	0
Ditto Phoolpoor,..	1680	0	0	1825	4	0
Total,..	7920	0	0	9103	12	0

Results shewn in the tables are satisfactory ;

63. The Court need do little more than express their satisfaction with the results exhibited in the above tables, the general features of which correspond very nearly with those for the preceding year, 1846 ; it is true that, notwithstanding a small falling off in the income of business, the arrear on the general file was larger at the end than at the beginning of the year, and that with one exception all the Courts of the district contributed to this increase, but the fact is easily accounted for without supposing any want of industry, by the circumstances mentioned in the subjoined extract from a note left on record by Mr. Lang, and by this that nearly the same number of *contested* suits were disposed of as in 1846 ; the decrees passed *ex parte* and on confession of judgment were fewer, and hence the apparent decrease in the quantity of regular business dispatched. "The Court will " observe that the work disposed of by myself is somewhat less than what " I have got through in past years, and that the regular appeals remaining " undecided were more than I have generally left at the close of the year : " this is to be accounted for by my absence on leave in September, to the " Courts having been afterwards closed for nearly two whole months of the " three remaining months of the year, and in some trifling extent to my " indifferent health." Mr. Lang has been compelled by ill health to relinquish for a time a charge, the important duties of which he has fulfilled for nearly eight years with much credit to himself, and great benefit to the interests of the public, and in the note above referred to he has expressed a hope that if he should "be allowed to return two years hence to his ap- " pointment, he may find as good and honest working a body of subordinate " Judges as he now leaves," and in this wish the Court very cordially concur.

the arrear was larger at end than at beginning of year, but the fact is accounted for in the subjoined extract from a note left on record by Mr. Lang ;

in which he also expresses himself satisfied with the native Judges.

The proportion of appeals instituted and of reversals, is higher than in 1846, but the increase calls for no explanation.

64. The only particular, in which the returns for the past differ materially from those of the preceding year, is in the proportion of appeals preferred, and of reversals, but there is nothing either in the statements or in the Judge's Report to shew the cause of the increase which is in both respects observable, the same individual officers having been engaged both in the appellate Courts and the Courts of original jurisdiction; the difference, after all, may not perhaps be thought so considerable as to call for explanation.

Execution of decrees was well conducted, but Section 5, Act IV. of 1846, is expected to interfere seriously with the working of the Civil Courts,

65. As usual, much activity has been exhibited in the execution of decrees, of which 1575 were either fully or partially enforced ; but the rule enacted by Section 5, Act IV. of 1846 promises, when generally known, to interfere seriously with the operations of the Civil Courts in this department of work ; the Section in question directs that the deposit, required from bidders at auction sales in execution of decree, shall, when forfeited, "be applied as purchase money," and the consequence is found to be that judgment debtors, through the intervention of their relatives or others in collusion with them, buy in their own property time after time, and designedly forfeit the deposit of 15 per cent. on the amount of their bid: in other words they liquidate their debt by convenient instalments, and thus evade immediate execution of the judgment against them. This practice was first brought to the Court's notice during the past year by Mr. Lang, and more recently its prevalence in so many other districts has been discovered, that it is in contemplation to apply in the proper quarter for a modification of the Law.

and a proposal for modification of the law is in contemplation.

Past administration is satisfactory.

66. The Court are satisfied with the past administration in this district, and have no doubt that the duty will be efficiently conducted by Mr. T. P. Woodcock during the absence of the incumbent in this Judgeship.

ZILLAH GORUCKPORE.

No. 1.—Comparative Statement.

	Pending at the beginning of each yr	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year	Cases pending beyond 1 year.	Value of original suits and appeals pendg on 31st Dec
	1	2	3	4	5	6	7	8	9	10	11
1846, ...	1631	5236	931	7847	886	3938	513	550	1961	4	343350
1847, ...	1961	5180	1355	8496	1260	*3992	670	569	2005	20	526049
Increase, ...	330	0	424	648	374	54	157	19	44	16	182699
Decrease, ...	0	106	0	0	0	0	0	0	0	0	0

* Of which *ex parte*, ... 328
Confession of judgment, 1338
—— 1666
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers

† Civil Sittings,.. 116 *Days.*
Session and Criminal Sittings, 132 ,,
‡ 9 to S. D. A.

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted	Reversed or modified	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge, Mr H. B Harington, ..	Orgls.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Appls.	199	753	9	961	675	143	28	2	113	2	56938	0	0	11	6	4	1	0	6·35
P. S. A. Ahmed Hussun Khan,..	Orgls	17	29	101	147	18	89	14	5	21	4									
	Appls.	55	0	389	444	55	266	2	3	118	1									
P.S. A. Molv. Mohd Kureem Koolee Khan, ...	Orgls	11	29	116	156	62	35	4	13	42	12	230972	29	29	‡63	29	20	1	0	8·75
Ubdool Uzeez Khan,	Appls	43	0	402	445	49	246	41	2	107	0	39499								
S A Ubdool Uzeez Khan, Mohumed Kureemooddeen,	Goruckpore,	171	170	113	454	21	258	39	27	109	0	61577	70	100	122	32	83	0	0	14·75
															23	0	0	0	0	
Moonsiffs. Mehdee Hussun Captaingunj, ...		162	573	2	737	4	473	53	49	158	0				97	25	56	13	1	16 86
Hubeeboollah, Wuzeer Allee,	Bansee,	67	437	2	506	0	351	17	38	100	0				39	16	30	4	1	10·09
Mehdee Ali Khan, Khuleelabad, .		153	455	17	625	0	338	71	4	209	0				2	1	0	0	0	
Rusool Buksh Khan, Bansgaon, .. .		420	497	10	927	159	415	77	68	212	0				66	36	26	13	0	15·86
Sheodyal, Jugnath Pershad,	Munsoorgunj,	88	349	110	547	96	253	41	38	119	0	137063	1583	2616	94	21	52	11	0	16 9
Reazut Hossein, Purrownah, ...		178	571	12	761	0	352	129	90	190	1				16	2	16	2	1	12 65
Serajooddeen, Deoreea,		235	714	6	955	2	406	90	156	301	0				26	0	0	2	0	
Kureemooddeen, .. Hubeeboollah, ..	Goruckpore,	162	603	66	831	119	367	65	74	206	0				73	33	28	6	0	12·78
															86	32	41	13	2	13·19
															71	29	40	6	2	14·61
															3	0	0	0	0	
Total,..		1961	5180	1355	8496	1260	3992	670	569	2005	20	526049	1682	2745	792	262	408	77	7	15 14

39·1 per cent reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headgs. Nos. 1 to 21,	34	505	0	539	37	468	2	0	32	0
,, ,, ,, 22 to 25,	17	4817	0	4834	10	4637	11	0	180	0
2 P. S. A. Do. ,, 1 to 21,	56	311	71	468	44	225	103	0	96	1
,, ,, ,, 22 to 25,	4	545	17	566	10	543	4	0	9	0
1 Sudder Ameen,.. ...	121	681	212	1014	96	426	355	0	137	0
8 Moonsiffs, ...	567	5629	179	6375	279	3764	1814	0	518	0
Total, ..	799	12518	479	13796	476	10059	2289	0	972	1

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments, and amount realized by sale of Stamps*

Moonsiffees.	Cost.			Amt realized by sale of Stamps.		
Moonsiff Captaingunj,..	1680	0	0	2389	8	0
Ditto Bansee, ...	2130	0	0	2455	2	0
Ditto Khuleelabad,..	1886	0	0	1924	0	0
Ditto Bansgaon, ...	1680	0	0	2242	0	0
Ditto Munsoorgunj ..	1680	0	0	1190	0	0
Ditto Purrownah, ..	1680	0	0	1727	0	0
Ditto Deoreea, ...	1680	0	0	2702	4	0
Ditto Goruckpore, ..	1916	3	6	2177	10	0
Total,	14362	3	6	16807	8	0

There was again an increase of work, though the number of suits instituted was smaller, and the circumstances which interfered with its dispatch are stated ;

67. There was again during the past year a considerable increase in the quantity of business before the Courts of this district, although the number of suits instituted was somewhat smaller, and many circumstances of a nature to interfere with its dispatch occurred. The Judge Mr. Harington was laboring under a complaint in his eyes, which incapacitated him in a great measure for the duties of his office, and, as the Court apprehend, compelled him to relinquish this appointment for which, by his former experience in the district, his untiring energy, and his official ability, he was well selected; the Principal Sudder Ameen Ahmud Hoossein Khan, a resident of Rohilkhund, has been constantly suffering from the effects of the peculiar climate of Goruckpore, and his application for removal to another district has only not been complied with because no opportunity has offered during the past year, and the 2nd Principal Sudder Ameen Kureem Koolee, after leaving Goruckpore in anticipation of leave of absence which he had solicited, died on the 16th June: this latter event led to the promotion of Abdool Azeez the Sudder Ameen, and to changes of incumbency in some of the lower Courts, which, combined with the vacation of the Munsoorgunj Moonsiffee owing to the removal of one incumbent, and the death of his successor, have interfered seriously with the transaction of business. It appears, however, on reference to the tables, that the possible effect of these untoward events, has been partly, if not entirely, obviated by the praiseworthy industry of all the officers employed; the arrear was but little larger at the end than at the beginning of the year, the cases of old standing were, with four exceptions, remanded in the last half of 1847, and, of the whole number, 8 only remained undecided on the 17th January 1848 ; at the same time considerable activity has been exhibited in the miscellaneous department, the business of which is hardly secondary in importance to the adjudication of regular suits ; there has been a want of success, it is true, in the execution of decrees, as compared with the result of proceedings in 1846, but this is probably attributable to circumstances, over which the Judicial officers have little or no control; the entries in table No. 3 include 1,030 cases, in which the decrees of the Courts were fully enforced, and 409 in which the claims were partially settled, while 2,070 applications were struck off on failure of the decree holders to proceed with the execution as required by established rules.

but the officers employed have been industrious, as shewn by table;

the arrear was little larger at end than at beginning of year :

miscellaneous work was quickly dispatched,

though execution of decrees was less successful than in 1846.

The work in this district presses heavily on the higher local Courts, and a remedial measure was proposed by Mr. Harington,

but disallowed by the Court, for reasons stated in the text.

68. In this district the work is found to press most heavily on the superior Local Courts, and with a view to the better distribution of this work between the two Principal Sudder Ameens, Mr. Harington in the course of the year solicited the Court's authority to use his discretion in transferring reuglar appeals to the former within a certain limit without previously obtaining the Court's sanction, but the Court were reluctantly compelled to disallow the proposed measure, although they fully admitted its expediency. Clause 2, Section 16, Regulation V. of 1831, on the file of "pending" appeals becoming so heavy as to render their disposal, with reasonable dispatach, impracticable, calls for a "special report," and it was thought that these terms did not admit of any anticipatory measure, but contemplated the actual existence of a pressure before the services of the Principal Sudder Ameen could be put in requisition to relieve it. The Court are inclined to think that in a district like this much might be done by a judicious exercise of the Judge's discretion, in this respect, to expedite the decision of appeals, and promote the convenience of the people, and, though they do not conceive it expedient to make a special application for such a modification of the law as would permit this practice, they desire me to notice the subject in this place, in the hope that the Hon'ble the Lieutenant Governor, if he concur, may have an opportunity of urging it upon the consideration of the legislature.

ZILLAH AZIMGURH.

No. 1.—Comparative Statement.

1. Summary appeal was erroneously entered among the regular appeals in 1846, hence the difference between the number pending at end of that year, and beginning of 1847.	Pending at the beginning of each year.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846,..	1456	2441	1108	5008	1016	2228	447	106	1211	6	230916
1847,..	*1210	2305	699	4214	643	*1595	366	97	1513	17	287636
Increase,....	0	0	0	0	0	0	0	0	302	11	56720
Decrease . .	246	139	409	794	373	633	81	9	0	0	0

* Of which *ex parte*, ... 177
Confession of judgment, .. 156
333
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, 156 *Days*
Session & Criminal Sittings, .. 80 „

‡ 2 to S. D. A.

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals*					*Average of Appeals instituted to suits decided.*
												Relating to real property	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judges: Messrs H. Armstrong and R. Neave, . ..	Orgls	0	0	1	1	0	0	0	0	1	0	1369	0	0	0	0	0	0	0	0
	Appls.	189	136	13	338	61	224	4	6	343	0	102091	0	0	4	4	0	0	0	1 7
P. S. A. Mohumud Luteef, ...	Orgls.	65	40	25*	358	3	136	11	7	201	14	88691	21	16	*91	21	34	0	2	30 81
	Appls	121	0	61	182	11	148	2	1	20	0	1313	0	0						
S. A. Kasim Ali Khan, ...	Azimgurh	281	113	351	748	6	282	67	21	313	3	50024	71	42	143	28	82	1	1	38·64
Moonsiffs: Wazeer Ulum and Kaem Alli,.. .	Azimgurh	259	978	11	1248	341	397	162	28	320	0	44148	848	869	60	17	58	2	4	10 22
Moonsiffs: Dabee Dyal, Ghosee, ..		292	739	9	1040	161	408	120	31	317	0				129	23	75	1	0	22·95
Moonsiffs: Kaem Alli (Additional)	Mohamadabad.	1	0	0	1	1	0	0	0	0	0				12	11	25	2	0	0
Total, ..		1211	2306	69	4216	643	1595	366	97	1515	17	287636	913	927	412	104	274	6	7	21 17

27·51 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headings, Nos. 1 to 21	72	328	0	400	20	328	13	0	39	0
„ „ „ 22 to 25	27	4502	0	4529	0	4501	0	0	27	0
1 P. S. A. headgs. „ 1 to 21	139	279	30	448	0	276	44	0	128	12
„ „ „ 22 to 25	4	513	0	517	0	511	0	0	6	0
1 Sudder Ameen, ...	41	847	0	954	1	844	24	0	87	3
3 Moonsiffs, ...	360	1295	37	1692	3	912	417	0	360	15
Total, ..	713	7794	67	8571	30	7405	498	0	641	30

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments and amount realized by sale of Stamps.*

Moonsiffees..	Cost.			Amt. realized by sale of Stamps.		
Moonsiff Azimgurh,	1680	0	0	4328	4	0
Ditto Ghosee, ..	1680	0	0	3137	12	0
Total,..	3360	0	0	7466	0	0

As shewn in the text, the state of business at the end of 1847 was less satisfactory, than at end of preceding year:

69. On comparing the foregoing tables with those, in which the result of the administration during 1846 was exhibited, it is impossible to come to any other conclusion than that the state of business was by no means so satisfactory at the close of the past, as at that of the preceding year: less work has been done, a larger arrear has been left for future disposal, notwithstanding that the income of business was smaller, and many of the cases composing that arrear were of long standing: some of these, it is true, had been remanded, but in others, appertaining to the Principal Sudder Ameen's file, very unnecessary delay had been permitted. The causes of this falling off are various, and none of them it is satisfactory to observe are of a nature to fix the charge of idleness or inattention on any of the subordinate Officers, the Principal Sudder Ameen Mohumed Luteef perhaps excepted. The Court cannot do better than extract from Mr. Neave's report the remarks which he has recorded on this point, and the justice of which in every respect they desire to acknowledge. "I have decided less causes than my predecessor by 55 suits, and there is a trivial decrease in the number of the Principal Sudder Ameen's decisions. The great deficiency lies in the Moonsiff's decisions. On this head, however, it is to be recollected, that in 1846 we had an Additional Moonsiff who disposed of 268 causes. The town Moonsiff, Wazeer Alum, has been an invalid all through the year; and though his work is satisfactory, and he has always exerted himself and done more than the prescribed number of suits, it may readily be supposed that, in his condition, he was unequal to more work. The Sudder Ameen, too, has continually during the year represented to me, at interviews and when sending in his papers, that he was weak and unwell; and were he a man capable of offering feigned excuses, which he is not, I can attest the truth of what he says. There is also another feature in the case, which is, that the number of suits decided *ex parte*, and on confessions, which cause no trouble and are generally founded in collusive villany, has decreased from 439 to 273, shewing a diminution of 166 which may fairly be deducted from the aggregate. Equally as much as all these causes, is another which has had much influence. My well known principle of endeavoring to do substantial justice, and not to put cases out of Court by nonsuits, has had its influence on the subordinate Judges; and nonsuits, formerly a favorite and easy way of getting rid of a knotty point, are seldom heard of, and are confined to their legitimate use. These remarks will serve to shew where the cause of the falling off is, and evince, that it is not produced by any want of energy. The quantity of miscellaneous work which has been done is creditable to all the officers; and though the papers shew 12 execution of decrees in the Principal Sudder Ameen's Court, and 18 in those of the Moonsiff pending above one year, the Court is from the correspondence which has past during the year aware that the delay in the completion of these lies with the Revenue, and not the judicial authorities." All these circumstances combined may be taken to account sufficiently for the falling off in the quantity of work dispatched, and most of them are happily capable of being removed, or modified; since the beginning of this year the Court have been called upon, as they expected, to provide an Additional* Moonsiff who will be located in the town with a ju-

extract (para. 2) from Mr. Neave's report is subjoined in explanation of the falling off;

most of the evils complained of, are capable of being removed, and, an important step, viz., the appointment of an Additional Moonsiff, has been taken.

* For his appointment *vide Government Gazette*, dated 4th April 1848, No. 14.

risdiction extending over the pergunnahs noted below,* and will relieve the other tribunals of the same class as well as the Sudder Ameen's Court from the heavy press of business, which produced the impression "that "sooner† or later, it would be requisite to make a substantive addition to "the establishment" in this district; Wazeer Alum has obtained an extension of leave on the ground of certified illness and inability to discharge his duty, but during his absence an active and intelligent officer has been appointed to officiate in his stead, and will it is hoped spare no exertion to keep down the files, while the Sudder Ameen's health will probably have improved, and his capacity for labor will with that improvement have increased.

The arrear in the miscellaneous department is owing to delays in the Collector's office,

70. In regard to the numerous cases of long standing in the miscellaneous department, to which Mr. Neave's concluding remarks refer, the Court are happy in being able to absolve the judicial Officers from all share in their protraction; after unavailing attempts to secure the co-operation of the Collector in executing the decrees of the Courts, affecting land paying revenue to Government, the Court were compelled to solicit the assistance of the Sudder Board of Revenue, and now that their attention has been directed to the dilatoriness which pervaded the Collector's office or the want of method which rendered his labor ineffectual, improvement may be shortly expected to occur, and eventually the cure of the evil may be hoped for.

which may be expected to cease, as the Sudder Board have been requested to interfere.

Particulars are stated in the text regarding the Principal Sudder Ameen (Mohumed Luteef's) remissness,

71. In stating above that the circumstances, which had led to a falling off in the state of business were "not of a nature to fix the charge of idleness or inattention on any of the subordinate Officers," the Court felt it incumbent upon them to except the Principal Sudder Ameen Mohumed Luteef. This Officer has on former occasions fallen under the censure and the displeasure of the Court, but promises of amendment were held out; and the Court, confiding in their sincerity, refrained from bringing his conduct to the notice of the Government; they can no longer reconcile this silence either with their sense of duty, or with the principle which they have laid down for their observance in the 4th para. of their Report for 1846, and they desire me accordingly to state that in revising the periodical statements during the past year they have been frequently compelled to animadvert on his remissness, his want of energy, his inability to control the vakeels of his Court, and his inattention to the rules which should govern the course of procedure in suits pending before him, as leading to the accumulation of an inconvenient and discreditable arrear; but these faults, grave as they may be, give place to his reprehensible conduct "in continually‡ denying the plaintiff in his Court *mesne* profits for causes altogether inadequate," with a view to avoid the trouble of examining the accounts, and fixing the amount properly awardable, and, further, in neglecting the rule prescribed by Act XII. of 1843, and disregarding the Circular Order (No. 63, dated 16th August 1844), which explains and enforces it. In regard to the first practice noticed, the Court may observe that it argues a very unworthy

his attention to established rules,

his causeless denial of *mesne* profits to save himself the trouble of examining the accounts, and his open disregard of Act XII. of 1843.

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* Mohumdabad, Sugree, Cheriakote, Balla Bans, Kurriat Mittoo, Gopalpoor, and Mhownath Bhujun.

† *Vide* para : 69, of last Report.

‡ *Vide* paragraph 5 of Judge's Report.

conception on the part of Mohumed Luteef, of the responsibitity which attaches to the judicial Office, and of the importance of the interests which are brought to issue in his Court, and in regard to the second, they have advised him that it constitutes a serious dereliction of duty, and that an uninterrupted course of upright conduct and conscientious application to the duties of his station can alone wipe out the stain cast on his official character by his deliberate evasion of a known and positive rule of law; "press of business," which is the excuse urged can be no excuse for neglect of a plain and positive legal order, and his neglect of it does away with the guarantee, which the Act cited requires, and which it was apparently its chief object to secure, that each case has been actually tried and determined by himself. It is hoped that the Government will see fit to notice the Principal Sudder Ameen's conduct in such a manner as to ensure its amendment, or, in default thereof, to justify the Zillah Authorities and the Court in soliciting the Hon'ble the Lieutenant Governor's assent to his removal. The 6th paragraph of the Judge's Report is subjoined as touching on this subject and expressing his opinion of Mohumed Luteef's character. "In my opi-" nion it would be a great benefit to the district if Mohumed Luteef Khan " were pensioned. His is now the only Court in this Zillah of which the " people complain. The appointment of an Additional Moonsiff will cause " increased appeals, and a large proportion of them must be made over to " the Principal Sudder Ameen, as I cannot try them. I do therefore depre-" cate making over the suitors bound hand and foot for a decision in appeal " as to the facts of the case, and which order is final, to any tribunal, which " is not above suspicion or free from taint, whatever may be the cause " thereof."

Government are requested to take notice of his conduct.

6th paragraph of Judge's report is subjoined.

72. Of the other native Judges, Mr. Neave speaks very highly, both in respect of their ability and their integrity, and he concludes by saying that he "feels considerable official pride and gratification in presiding over " a district, which possesses such Judges as Kasim Ali, Wazeer Alum and " Dabee Dyal," who, it may be observed, is a "sample of a Moonsiff drawn " from the lower classes," and one whom Mr. Neave declined to nominate; but, now that he has been brought into official communication with him, he declares to be a very superior Officer; "though placed in a distant part of the country," says Mr. Neave, "he continues the even tenor of his way, " keeps free from all intrigues, preserves a spotless reputation, and delights " me with his decisions, founded on ample investigation, clear, simple and " convincing."

Judge entertains a very favorable opinion of the native Judges,

especially Dabee Dyal, the Moonsiff of Ghosee.

73. No suits were tried under Regulation VI. of 1832, and the reason of this is to be found in the larger proportion of suits relating to property in land which with their conflicting interests, and complicated details, are not fit subjects for the operation of the law.

The cases usually brought up in the district, cannot be well referred for native opinion under Regulation VI. of 1832.

74. Mr. Neave in the 16th and 17th paragraphs of his Report alludes to the frequent presentation of petitions for foreclosure of mortgages which do not exist, as a "system of roguery," practised by some persons for the purpose of annoyance and by others for worse purposes: the prevalance of this evil was brought to the Court's notice in 1811 by Mr. Reade the Judge of Goruckpoor, and the remedy proposed by him, as well as the grounds on which the Court thought fit to reject it, are stated at some length in the

Fraudulent application for foreclosure of mortgage have given much trouble.

105th Para. of the Court's Report for that year and need not here be repeated. The subject is only here alluded to, lest the Government should think that the Court had overlooked its importance, and in order to state, that they have thought it desirable to consult with the Calcutta Court as to the expediency of applying to the Legislature for a law to enact, that with applications for foreclosure of mortgage under Section 8, Regulation XVII. of 1806, the deed of mortgage shall be always exhibited.* A reference has also been made to the Calcutta Court on the subject of Construction No. 500 and its effects, which are discussed in the 18th and 19th Paras. of the Judge's Report, and it may be out of place to express in this Report the opinion of the Court on a subject which is still under consideration.

and measures are under consideration for suppression of the evil.

Construction No. 500 also has been brought under reconsideration,

75. The Court desire me to add that they attribute none of the unfavorable results, that have been noticed above, to the Judge Mr. Neave, whose ability, personal industry, and interest in the prosperity of the district committed to his charge, are beyond question.

Mr. Neave is absolved from all blame in regard to the unfavorable results above noticed.

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* *Note.* — Since these remarks were written, a Circular Order on the subject has been issued, the effect of which will be the same, as of that proposed in the text.

ZILLAH JOUNPOOR.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846, ...	915	2197	621	3733	564	2022	262	150	735	5	169518
1847, ...	735	2169	1026	3930	996	*2018	180	84	652	0	245112
Increase, ...	0	0	105	197	432	0	0	0	0	0	15594
Decrease,....	180	28	0	0	0	0	82	66	83	5	0

* Of which *ex parte*, .. 278
Confession of judgment, 180
—— 458

Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, .. 161 *Days*
Session and Criminal Sittings,.. .. 61 ,,

‡ 4 to S. D. A.

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge: Mr. R. J. Taylor, ...	Orgls	1	0	442	443	142	1	0	0	0	0	0	0	0	0	0	0	0	0
	Appls.	98	358	6	462	106	238	9	4	105	0	22748	0	0	11	7	3	1	0	4·38
P. S. A., Cazee Yar Ali Khan, ...	Orgls.	64	121	263	451	8	239	29	14	162	0	198927	77	47	‡88	22	62	5	2	23·34
	Appls	26	0	106	132	6	91	1	1	30	0	1848	0	0						
Sudder Ameen, (None,).. ..		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moonsiffs. Cazee Zeea Oollah, Jounpoor,		112	392	73	577	105	338	43	17	74	0				70	15	58	2	0	17·58
Syud Bundeh Ali, City Jounpoor,.. ..		122	490	19	631	69	480	15	7	60	0				47	23	32	2	1	9·36
Moulvee Moorad Ali, Kirrakut, ...		143	361	69	581	90	319	49	11	112	0	21589	812	875	53	11	32	0	2	13·98
Moulvee Fuzloollah, Muchleeshehur, ...		169	436	48	653	170	310	31	30	109	0				104	42	39	1	0	28·59
Total, ...		735	2169	1026	3930	996	2018	180	84	652	0	245112	889	922	373	120	226	11	5	16·34

34·68 per cent. reversals.

No. 3—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge, headings, Nos. 1 to 21, ..	90	234	0	324	11	211	35	0	67	0
,, ,, ,, 22 to 25,..	217	3917	0	4134	9	3932	102	0	91	1
1 P.S.A. headings, ,, 1 to 21,..	59	601	5	668	0	437	148	0	83	0
,, ,, ,, 22 to 25,..	7	256	6	269	0	258	0	0	11	0
Sudder Ameen, (None), ...	0	0	0	0	0	0	0	0	0	0
4 Moonsiffs, ...	349	2456	140	2945	131	1811	762	0	241	1
Total,..	722	7467	151	8340	151	6619	1047	0	493	2

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of Stamps.		
1st Moonsiff, Jounpoor, ...	2280	0	0	1219	0	0
2nd Ditto do.,	1680	0	0	1980	7	0
Ditto Kirrakut, ..	1680	0	0	1148	4	0
Ditto Muchleeshehur, ...	1680	0	0	1358	8	0
Total, ..	7320	0	0	5636	3	0

Table shew satisfactory results,

76. The foregoing tables shew that the increase in the income of Civil business has not interfered with punctuality and expedition in its dispatch, and they justify the opinion which the Judge Mr. R. J. Tayler has expressed in regard to the result of the past year's proceedings: when the year closed, there was nothing deserving the name of arrear on the files, either regular or miscellaneous, of any of the Courts, and there is no reason to question the diligence of the several Officers employed, most of whom are in other respects well reported of by their immediate superior. The Principal Sudder Ameen, Kazee Yar Ali, has maintained the high character which has been on former occasions ascribed to him, the exemplary conduct, and the official merits of Kazee Zeeaoollah, first Moonsiff of the city have been recognized in his promotion* to the Office of Sudder Ameen (which he would have obtained much sooner, but for the circumstances mentioned in paragraph 89 of the Court's Report for 1841), and Syud Bundeh Ali has been rewarded for his past efficient service by being advanced† to the superior grade of Moonsiff in succession to Kazee Zeeaoollah; the grounds on which Bundeh Ali, though junior in the department to the other Moonsiffs, was preferred before them, were laid before the Government in my letter, No. 361, dated 13th March last.

and the officers employed have been diligent.

Regulation VI of 1832 was almost inoperative; probable cause thereof explained.

77. Regulation VI. of 1832 was brought into operation in the trial of two appeals only; perhaps in this and the other districts of the Benares province there may be a smaller field for the employment of native agency, than in other parts of the North Western Provinces, owing to the fact, that suits for land or interests in land compose the bulk of Civil business, and that subjects of this class fall less within the cognizance and the daily experience of that portion of the native community, from which juries and arbitrators are usually selected, than do those mercantile transactions, which in the more Northern districts most commonly become the subject of litigation in the Civil Courts. It will be observed, that nearly half of all the suits instituted within the period under review related to interest in land or other real property.

The Moonsiffee of Moofteegunge which was removed to Kurrakut has been located *pro tempore* at Mundeeahoo, as being more centrically situated.

78. Under the arrangement of the jurisdictions of the Moonsiffs, which was reported for the information of Government in my letter, No. 126, dated 29th January, 1847 the Moonsiffee of Moofteegunge was removed to Kurrakut: during the past year it was represented to the Court by several respectable residents of that jurisdiction, that the remoteness of some parts thereof from the site of the Moonsiff's Court was the cause of serious inconvenience to many, and it was urged that a more centrical position might be selected: accordingly, in pursuance of the joint recommendation of the Judge and the Commissioner of the division, the Moonsiff has been directed to hold his office *pro tempore* at Mundeeahoo, which is the seat of a Tehseeldaree, and has the advantage of being, as nearly as may be, equidistant from all parts of his jurisdiction :— the permanence or otherwise of this measure is to be determined hereafter.

No other subject calls for remark.

79. Mr. Tayler's Report touches upon no general subject, calling for the Court's notice, nor has any correspondence passed during the year 1847, the substance of which it would be useful to recapitulate in this place.

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* *vide* Your letter, No. 207, dated 19th January.
† *vide* Your letter, No. 1250, dated 28th March, 1848.

ZILLAH MIRZAPORE.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by Transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pendg. beyond 1 yr.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846,.. ..	412	1254	33	1699	13	1090	146	105	345	1	206975
1847, ...	345	1192	36	1573	5	*1049	95	62	362	6	624520
Increase, ...	0	0	3	0	0	0	0	0	17	5	417545
Decrease, ...	67	62	0	126	8	41	51	43	0	0	0

* Of which *ex parte*, .. 137
Confession of judgment, 191
328
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, .. 183 *Days.*
Session and Criminal Sittings, .. 49 ,,
‡ 6 to S. D. A.
§ From the decisions of the Principal Sudder Ameen, in his capacity of Sudder Ameen.

Names and Designations of Officers.		*Number of regular suits [original and appeal] before the several Courts.*										*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge: Mr. C. R. Tulloh, ...	Orgls.	0	0	1	1	0	0	0	0	1	0	114022	0	0	0	0	0	0	0	0
	Appls.	17	157	5	179	0	85	3	4	87	0	33569	0	0	10	8	2	0	0	10·86
P. S. A. Mr. J. Campier,	Orgls.	67	119	9	195	1	102	5	20	67	4	463905	49	70						
	Appls.	0	0	0	0	0	0	0	0	0	0	0	0	0	‡18	6	8	0	1	14·17
S. A., (None,) ..		0	0	0	0	0	0	0	0	0	0	0	0	0	§19	2	3	0	0	0
Moonsiffs. Mr. S. McGowan, Mirzapore,		100	312	10	422	4	340	23	2	53	1				65	14	22	2	2	17·8
Mr. R. Garland, Chunar, ..		92	297	7	396	0	232	51	33	80	1	13024	273	643	42	10	18	1	0	13·29
Heeralall, Mirzapore, ..		69	307	4	380	0	290	13	3	74	0				24	2	6	0	1	7·84
Total, ..		345	1192	36	1573	5	1049	95	62	362	6	624520	322	713	178	42	59	3	4	14·75

41·58 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headings, Nos. 1 to 21,	24	254	2	280	26	200	26	0	28	0
,, ,, ,, 22 to 25,	8	1142	0	1150	0	1137	0	0	13	0
P. S. A. ditto, Nos. 1 to 21,	167	493	24	684	1	474	57	0	152	0
,, ,, ,, 22 to 25,	27	842	0	869	0	847	1	0	21	0
S. Ameen, (None,).. ..	0	0	0	0	0	0	0	0	0	0
3 Moonsiffs, ...	193	1519	0	1712	2	890	629	0	191	0
Total, ..	419	4250	26	4695	29	3548	713	0	405	0

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments, and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amount realized by sale of Stamps.		
1st Moon. Mirzapore,	2280	0	0	1444	2	0
Ditto Chunar, ..	1680	0	0	1033	2	0
2d Ditto Mirzapore,	1654	3	1	1150	12	0
Total,..	5614	3	1	3628	0	0

Small quantity of work disposed of in Judge's Court is accounted for.

80. It is only necessary to explain, with reference to these tables, particularly to the small quantity of work disposed of in the Judge's Court, that owing to Mr. A. P. Currie's death early in the year, and the inability of his successor Mr. F. O. Wells, by reason of his serious illness, to perform judicial duty, the office was in effect vacant until the 3rd July, when Mr. Tulloh received charge; the cases committed to the Sessions and the appeals preferred from the orders of the Magisterial Officers during the four preceding months, called for his immediate attention, and he was unable, in consequence of this pressure and the Dussehrah and Mohurrum vacations which closed the Civil Court for about seven weeks of his incumbency, to decide more than one-half of the appeals that were on his file: the Principal Sudder Ameen and all the Moonsiffs are said to have been diligent in the discharge of their duties, and are in other respects well reported of by Mr. Tulloh, who takes occasion, however, to qualify his opinion of their merits by reference to the recency of his official connection with them. The Court hope that a better acquaintance with them will not work a change in his opinion.

The Native Judges are well spoken of by the Judge, Mr. Tulloh.

Regulation VI. of 1832, was inoperative, but Mr. Tulloh proposes availing himself of the aid of mahajuns in the trial of disputed accounts,

81. Regulation VI. of 1832 was inoperative in this district during the past year, but Mr. Tulloh seems to appreciate duly the assistance, that may be derived from the professional knowledge and experience of mahajuns in the adjustment of disputed accounts, and proposes to avail himself of it when necessary: there is no district perhaps in which mercantile transactions, involving large sums of money, become so frequently the subjects of litigation, as Mirzapoor, and it is possible, that the intelligence, and practical skill of native merchants in matters of account, would greatly aid the Judge in forming a just opinion. It may be added, in passing, that Mr. Campier's inability, as Principal Sudder Ameen, to require the services of natives as assessors or jurymen, may be one cause and a principal one of the fewness of his regular decisions: many of the cases that come before him are of the nature above described, and in disposing of them he has difficulties to contend with, which might be removed or lessened at any rate by an extension of the law to the Principal Sudder Ameen's Court.

extension of the law to the P. S. Ameen's Court is suggested.

Miscellaneous work seems to be promptly disposed of.

82. There was no want of activity in the miscellaneous department of work, so far as the statements periodically submitted to the Court, and the above compendium of their contents, enable them to judge.

ZILLAH BENARES.

No. 1.—Comparative Statement.

	Pending at the beginning of each yr	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pendg. on 31st Dec.
	1	2	3	4	5	6	7	8	9	10	11
1846, ...	815	2110	485	3440	414	1855	194	178	799	9	583211
1847, ...	799	2080	495	3374	411	*1892	196	161	714	15	778269
Increase, ...	0	0	10	0	0	37	2	0	0	6	245058
Decrease, ...	16	60	0	66	3	0	0	17	85	0	0

* Of which *ex parte*, ... 318
Confession of judgment, 299
— 617
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

* Civil Sittings,.. 156 *Days*
Session and Criminal Sittings, 108 „

‡ 18 to S. D. A.

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
												Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
†Judge, Mr J. T. Rivaz, ..	Orgls.	3	0	7	10	7	0	2	0	1	0	417	0	0	0	0	1	0	0	0
	Appls.	127	254	0	381	145	140	7	6	83	0	52132	0	0	4	2	2	0	0	26·14
P. S. A., Moulvee Jumeelooddeen,	Orgls	56	98	38	192	0	94	11	11	76	15	611999	49	49	‡57	28	35	0	2	18·75
	Appls.	36	0	160	196	0	179	5	4	8	0	1106	0	0						
S. A., Doobey Jowalapershad, ..	Benares,	101	93	266	460	4	290	17	18	131	0	28774	61	32	37	10	25	2	3	11·38
Moonsiffs. Kazee Furzund Alee, Surae Moghul, ..		131	270	6	407	62	253	21	3	68	0	53541	616	1019	36	18	28	3	1	12·99
Banee Lal, Chandnee Chouk, ..		129	521	3	653	77	347	37	54	138	0				55	25	34	2	1	12·55
Hussun Raza, Secrole,		121	386	6	513	75	261	38	32	107	0				61	25	58	4	3	18·42
Imamooddeen, Juggut Gunj, ..		95	458	9	562	41	328	33	102	0					40	6	20	1	0	9·54
Total, ..		799	2080	495	3374	411	1892	196	161	714	15	778269	726	1100	290	114	202	12	10	12·89

36·07 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headgs. Nos. 1 to 21,	122	661	4	790	210	415	34	0	131	0
„ „ „ 22 to 25,	8	4975	12	5076	217	4698	52	0	109	1
P. S. A. Do. „ 1 to 21,	148	293	101	542	0	265	177	0	100	1
„ „ „ 22 to 25,	18	581	12	611	0	587	5	0	19	3
Sudder Ameen, ...	121	770	55	949	18	650	138	0	143	0
4 Moonsiffs, ...	465	3328	4	3797	52	2394	829	0	522	0
Total, ..	966	10611	188	11765	497	9009	1235	0	1024	5

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments, and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of Stamps.		
Moonsiff Surae Moghul,	2280	0	0	1042	12	0
Do. Chandnee Chouk,	1680	0	0	2093	0	0
Do. Secrole, ..	1680	0	0	1346	0	0
Do. Juggut Gunj, ..	1680	0	0	1634	4	0
Total, ..	7320	0	0	6116	0	0

Tables as compared with 1846, differ only in two points, viz. the number of old cases, and the result of appeals which are commented on in the text.

83. The only two points, in which the foregoing tables differ from those in which the operations of the Civil Courts during 1846 were exhibited, are in the number of cases older than a twelvemonth, and in the result of appeals; in regard to the former it may be observed that the withdrawal of the Additional Principal Sudder Ameen's services has necessarily thrown additional work on the Judge and the remaining Principal Sudder Ameen, and that the latter is not infrequently employed as a Law Officer on Sessions trials, either when juries cannot be conveniently assembled, or when the case is one which it would be unadvisable to dispose of with the assistance of that agency; moreover, of the 15 suits, that had been on the file more than a year when 1847 came to a close, 11 had been decided at the date of the Judge's Report, (24th February 1848,) while all the rest had been remanded on comparatively recent dates, and though perhaps some of them might have been ready for hearing had greater expedition been used, there was no room for the imputation of absolute neglect in any. As regards the second point adverted to above, it will be sufficient to direct attention to the fact of a decrease in the proportion of appeals instituted, as well as in that of reversals, which, so far as it goes, is satisfactory, and may be at any rate taken to prove that the Judge was well pleased with the quality of the judgments passed by his subordinates, and that in the great majority of cases decided the community either did not desire to appeal, or did not see sufficient ground to expect success in the appellate Court.

About a third of all decisions were either *ex parte* or on confession of judgment;

84. It will be observed that in about one-third of all the suits decided on (*quasi*) trial, decrees were passed either *ex parte* or on confession of judgment; a fact which the Court notice, not with any intention to enquire into its probable causes or its tendencies, but merely by way of shewing how the judicial officers, in the lower grades particularly, are enabled to keep pace with the income of business in their Courts; it is only in contested actions that much time can be occupied in investigation, or any deliberation required in passing judgment. Suits for real property bear a higher proportion to the aggregate of institutions than they did in 1846, but not in such a degree as to have added materially to the labors of the department. Neither the merits nor the demerits of the uncovenanted Judges are of such a nature as to call for particular notice.

suits for real property were higher in proportion to all institutions than in 1846.

An account of the adjustment of the records will be found in Mr. Rivaz's report;

85. To the 20th and following paragraphs of Mr. Rivaz's Report the Court desire me to refer for a detailed description of the method, which has been pursued in adjusting the records of this Judgeship, merely observing, that the work has been very troublesome and laborious, owing to the vast accumulation of papers belonging to the *shuhuree* and *mootkee* Adawluts and the Provincial Court, the great confusion into which in the course of years the records, generally, had been allowed to fall, and to the difficulty of discriminating between what should be reserved and what destroyed: the Court believe that the arrangement, which has now been effected, has been carefully superintended, and that it will be found practically efficacious:— of the sum allowed by Government for this purpose a small portion was still in hand at the beginning of February to meet unforeseen contingencies.

the arrangement is believed to be good.

With reference to embezzlement of certain monies in transit to the Judge's Court, the precautions taken to prevent similar occurrence explained.

86. In the course of the past year it was reported to the Court by Mr. Rivaz, that certain monies, forwarded by the Moonsiff of Juggutgunge for deposit in the Sudder Treasury, had been embezzled by the peon entrusted with them in transit, and the misappropriation was not detected for some time owing to forgery having been practised to conceal it: the Court took occasion to point out that in Benares and other districts to which Circular

Order, No. 107, dated 18th September 1840, had not been extended, the Moonsiffs were required by Circular Order, No. 82, dated 5th February 1833, to transmit all sums of money paid into their Courts to the Judge's Treasury "through the Officers of the nearest Thannah establishment," and they thought it advisable in order to afford some security against similar misconduct on the part of the Moonsiff's peons to remind the Civil Judges by a Circular Order (No. 357, dated 13th March,) that by Section 2, Regulation XII. of 1803, the Nazir of every Civil Court is required to enter into a penal obligation for the good behaviour of the peons under his control, and to desire them to enforce this rule generally, if, which seemed probable, it had been overlooked in the recent changes of the law regarding the entertainment of Nazirs in the Moonsiff's Courts. The delinquent in the particular case, which suggested this order, was committed to the Sessions and punished.

and, a Circular Order issued on the subject.

87. The Court are not aware that the tables call for any further elucidation, or that there is any other point, connected with the past year's administration in Benares, which requires notice.

No other matter requiring notice.

ZILLAH GHAZEEPORE.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846,..	1011	3129	274	4714	252	2901	160	343	1055	0	$34127
1847,..	1055	3699	386	5040	356	*2968	136	416	1164	0	503955
Increase,....	44	170	112	326	104	64	0	73	109	0	69828
Decrease, ...	0	0	0	0	0	0	24	0	0	0	0

* Of which *ex parte*, ... 507
Confession of judgment, .. 432
— 939
Exclusive of those decided by the Judge in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, 171 *Days.*
Session & Criminal Sittings, .. 52 „

‡ 6 to S. D. A.

Names and Designations of Officers.	*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of Appeals instituted to suits decided.*
												Relating to real property	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Judge: Mr. A. C. Heyland, ...	Orgls. 1	0	1	2	0	1	0	0	1	0	1500	0	0	0	0	0	0	0	0
	Appls, 269	626	1	896	290	373	13	8	212	0	114066	0	0	4	2	1	1	0	1·01
P.S.A. Moulvee Mohamud Zahoor, ..	Orgls. 72	151	24	247	43	90	4	11	99	0	235775	103	48	162	14	28	0	4	19·43
	Appls. 108	0	115	223	0	213	0	1	9	0	1548	0	0						
Adl. P.S.A. Moulvee Mohamud Saleem,	Orgls. 0	0	42	42	0	18	0	3	21	0	50697	0	0	12	0	0	0	0	10·52
	Appls. 0	0	175	175	0	91	1	1	82	0	12815	0	0						
S.A. Mr. J. Kirk, Ghazeepore,	67	145	6	218	2	122	1	19	76	0	43012	69	76	68	28	41	1	2	48·57
Moonsiffs. Mr. J. Kirk, Ghazeepore,	93	506	7	606	3	329	10	88	183	0				50	25	57	2	3	11·95
Sheikh Ahmed Alee,.. .. Sydepoor,	112	487	0	599	3	345	65	72	114	0				53	16	48	2	2	11·41
Bisheshur Dial, .. Mohumdabad, ..	87	538	9	634	12	466	7	54	95	0	44842	1261	1416	127	25	122	3	0	24·09
Abdool Ruhman, .. Bulleeah,	176	731	4	911	3	610	26	86	186	0				158	77	81	2	1	21·88
Yyud Ahmed Alee,.. .. Rusreh,	70	415	2	487	0	317	9	75	86	0				101	38	72	4	1	25·18
Total, ..	1055	3599	386	5040	356	2968	136	416	1164	0	503955	1433	1540	637	225	458	15	13	18·09

32·94 per cent. reversals.

No. 3.—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Judge headings, Nos. 1 to 21	55	548	0	603	103	410	9	0	81	0
„ „ „ 22 to 25	13	4847	0	4860	18	4822	14	0	9	0
2 P. S. A. headgs. „ 1 to 21	55	457	102	614	2	413	132	0	67	0
„ „ „ 22 to 25	9	547	15	571	0	560	0	11	0	0
1 Sudder Ameen, ...	195	2261	5	2161	0	1960	325	0	176	0
Moonsiffs, ...	274	2767	7	3048	2	2244	583	0	219	0
Total, ..	601	11427	129	12157	122	10409	1063	11	552	0

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of Stamps.		
Moonsiff Ghazeepoor,	3960	0	0	8995	4	0
Ditto Sydepoor, ..	2280	0	0	2486	12	0
Ditto Mohumdabad,	1680	0	0	2500	8	0
Ditto Bulleeah, ..	1680	0	0	2517	8	0
Ditto Rusreh, ...	1680	0	0	1870	0	0
Total...	11280	0	0	18370	0	0

Unexpected circumstances have rendered it impossible to determine, whether the services of the Additional Principal Sudder Ameen shall be permanent;

88. It was stated in the 84th paragraph of the Court's Report for 1846, that, in order to relieve the superior local Courts from the heavy press of business that devolved upon them, an Additional Principal Sudder Ameen had been appointed to this district, and it was expected that the effect of his assistance might have been observed in the returns for 1847, and the necessity or otherwise of rendering this increase of the judicial establishment permanent might have been determined; owing, however, to unforeseen events Mohumed Saleem, who was promoted to the new office, did not take charge until the 26th June, and he was then unable, by reason of illness, and the closing of the Civil Courts for nearly two months towards the close of the year, to fulfil the object of his appointment; it remains to be seen whether the income of business (which it may be observed has been steadily increasing year by year) will afford occupation to the Judge and two Principal Sudder Ameens.

the experience of the current year will settle the question.

Mr Heyland, in charge throughout the year again reports favorably of the labors of the native judges,

89. Mr. Heyland, who presided in the Judge's Court throughout the year, a few days only excepted, again records his "entire satisfaction with "the manner in which their duties have been conducted by all the subordi- "nate Judicial Officers," and he considers them entitled to "much praise" for the deligence and ability which they have exhibited: the Court may appeal to the foregoing tables in support of this opinion and in justification of their concurrence in it. The small increase of pending suits on the general file is attributable to the fact of 326 more suits having been brought during the past, as compared with the preceding year.

and the tables support his opinion.

The large proportion of appeals from Sudder Ameen's decisions, as compared with the general average, attracts attention,

90. It is remarkable that, while the average proportion of appeals instituted to cases decided in all the Courts, does not exceed 18·09 per cent, nearly 50 per cent. of the decisions passed in the Sudder Ameen's Court were carried up in appeal to the superior Court: this cannot be explained by reference to the character or qualifications of the presiding Officer, seeing that less than 12 per cent. of the suits disposed of by the same individual in his capacity of Moonsiff were appealed; nor can it be accounted for by the greater proximity of the one Court to the appellate authority, for Mr. Kirk holds his office at the Sudder station, and those dissatisfied with his judgments as *Moonsiff* have the same facilities for appealing that litigants in his *Sudder Ameen's* Court enjoy. The difference is curious, and it may be difficult to discover the cause of it.

but not easily explained.

Execution of decrees.

91. In all the Courts, 1456 decrees were either fully or partially executed, and 959 applications were struck off on default.

ZILLAH KUMAON.

No. 1.—Comparative Statement.

	Pending at the beginning of each year.	Instituted.	Received by transfer.	Total.	Transferred to other Courts.	Decided on their merits.	Dismissed on default.	Adjusted or withdrawn.	Pending at the end of each year.	Cases pending beyond 1 year.	Value of original suits and appeals pending on 31st December.
	1	2	3	4	5	6	7	8	9	10	11
1846, ...	1511	5845	908	8264	871	2397	2898	550	1548	1	62114
1847, ...	1548	5198	1316	8062	1268	*2363	1927	203	2301	0	88418
Increase, ...	37	0	408	0	397	0	0	0	753	0	26304
Decrease, ...	0	647	0	202	0	34	971	347	0	1	0

* Of which *ex parte*, .. 215
Confession of judgment, 269
—— 484

Exclusive of those decided by the Commissioner in either way.

No. 2.—Statement of work performed by the several Judicial Officers.

† Civil Sittings, .. 157 *Days.*
Session and Criminal Sittings, .. 44 „

Names and Designations of Officers.		*Number of regular suits [original and appeal] before the several Courts.*											*Description of Suits.*		*Result of Appeals.*					*Average of appeals instituted to suits decided.*
													Relating to real property.	Relating to bonds, contracts, wages, &c.	Appeals instituted.	Reversed or modified.	Confirmed.	Dismissed.	Withdrawn.	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
† Commr. Mr. G. T. Lushington, ..	Orgls	1	15	1	17	15	1	0	0	1	0	26	8	7	0	0	0	0	0	0
	Appls.	100	184	21	305	1	207	4	12	81	0	5128	0	0	0	0	0	0	0	0
Senior Asst. Kumaon, Mr. J. H. Batten, ..	Orgls	199	547	28	774	391	81	54	12	236	0	16995	278	269	79	18	70	1	7	20·95
	Appls.	223	243	12	478	77	178	51	1	171	0	8345	0	0						
Ditto Gurhwal, Capt. H. Ramsay, ..	Orgls.	177	1372	58	1607	707	287	369	71	173	0	12325	849	523	101	21	80	3	3	11·52
	Appls.	42	157	3	202	2	122	26	1	81	0	927	0	0						
Junior Asst. Kumaon, Mr. J. Strachey, ..	Orgls.	116	505	285	906	7	130	418	13	338	0	9858	181	324	57	13	30	6	0	9·34
	Appls.	0	0	78	78	0	48	0	1	29	0	848	0	0						
S. A. Kumaon, Sibchurn Singh, ..	Orgls	388	673	63	1124	17	401	309	41	356	0	13901	304	369	152	37	95	31	3	21·37
	Appls.	0	0	0	0	0	0	0	0	0	0	0	0	0						
S. A. Gurhwal, Sree Lochun Joshee, ..	Orgls.	138	424	395	957	23	336	367	16	215	0	7360	81	343	97	24	48	16	1	13·49
	Appls.	0	0	0	0	0	0	0	0	0	0	0	0	0						
Moonsiff Bhubdeo Joshee, ...	Kumaon.	96	730	70	896	11	305	70	9	501	0	10793	148	582	71	19	49	14	1	18·48
Moonsiff Sewanund Kundoree, ..	Gurhwal.	68	348	302	718	17	267	259	26	149	0	1252	132	216	61	11	40	10	0	11·05
Total, ..		1548	5198	1316	8062	1268	2363	1927	203	2301	0	88418	1981	2633	618	143	412	81	15	13·75

25·76 per cent. reversals.

No. 3—Miscellaneous.

	1	2	3	4	5	6	7	8	9	10
Commr. headings, Nos. 1 to 21,	18	101	3	122	9	114	1	0	7	0
„ „ „ 22 to 25,	0	58	0	58	0	58	0	0	0	0
2 Senr. Asst. headings, „ 1 to 21,	52	648	17	709	317	240	84	0	68	0
„ „ „ 22 to 25,	0	223	0	223	0	223	0	0	0	0
1 Jr. Asst. headings, „ 1 to 21,	214	563	17	794	147	307	311	0	29	0
„ „ „ 22 to 25,	0	74	0	74	0	74	0	0	0	0
2 Sudder Ameens, ...	69	448	0	517	10	243	98	0	116	0
2 Moonsiffs, ...	0	0	0	0	0	0	0	0	0	0
Total, ..	353	2107	37	2497	174	1259	494	0	270	0

No. 4.—Statement *of cost incurred in the maintenance of the subordinate judicial establishments and amount realized by sale of Stamps.*

Moonsiffees.	Cost.			Amt. realized by sale of Stamps.		
Moonsiff, Kumaon, ..	840	0	0	7533	8	0
Ditto Gurhwal, ..	840	0	0	636	4	0
Total, ..	1680	0	0	8169	12	0

The introduction of stamps had not disappointed the expectations of the Court;

92. The re-introduction of stamps, to which allusion was made in the 87th paragraph of the Court's last Report, and regarding which the Court for the reason there stated thought it right to suspend their judgment, has not disappointed the expectations that were entertained: the effect of the measure is again apparent in the decrease of institutions, of dismissals and adjustments, and the business of the local Courts, it may be fairly presumed, is more nearly confined to the adjudication of *bonâ fide* claims: Mr. G. T. Lushington the Commissioner observes: "The re-
"introduction of stamps has not, I am bound to state, been attended with
"any apparent injury to the people, nor do I think any evil consequences
"likely to ensue as long as the present moderate scale of charges is adhered
"to; much idle and groundless litigation has certainly been repressed by
"this measure, to the propriety of which I now the more readily offer my
"testimony, seeing that I formerly had doubts as to the necessity or expe-
"diency of it;" and the Senior Assistant of Gurhwal adds his testimony to the same facts: there has been no amendment of the scale originally fixed, or of the rules then issued.

Commissioner's remarks on the subject are appended.

Tabular entries call for no remark.

93. There is nothing in the tabular entries calling for remark, nor has there been any change of agency in the Province since the date of the last Report. The opinions, entertained by the Court and the Commissioner, of the Officers composing that agency are on record, and it is sufficient to add that they are unchanged. The services of the Junior Assistant Mr. Strachey have been rendered more useful by reason of the increased powers, which were conferred on him in May 1847, and his greater experience.

the services of Mr. Strachey, with increased powers, have been useful.

Miscellaneous work has been well attended to.

94. "Due attention" is said to have been given to the miscellaneous business of the several Courts, particularly to the execution of decrees, and the Court in the statements before them see no reason to think otherwise.

No further remarks called for.

95. The Court are not aware that any other point, connected with the past year's administration in this district, calls for explanation or comment.

SIMLAH.

96. The subjoined correspondence will explain the absence of a Report on the administration of Civil Justice in this tract during the past year.

Correspondence explanatory of the absence of a Report on the Hill tract for 1847;

From Civil Judge, Cis-Sutlej States, No. 79, dated 3rd March 1848.

To the Secretary to the Government of India, Foreign Department, No. 390, dated 21st idem.

From Secretary to Government of India, Foreign Department, No. 1144, dated 6th instant.

To Civil Judge, Cis-Sutlej States, No. 750, dated 20th instant.

It will be observed that the Judge has been called upon to submit the usual Reports and Statements which he has withheld under a mistaken impression of the intentions of the Government of India, and the Court will submit them in a supplemental form hereafter. It is not thought necessary to postpone the transmission of these pages to the press in expectation of their receipt.

the Judge has been requested to submit the usual Reports and Statements, which he has withheld by mistake.

No. 79.

FROM THE HON'BLE J. C. ERSKINE,

Civil and Sessions Judge, Cis-Sutlej States,

TO G. F. EDMONSTONE, ESQUIRE,

Register Sudder Dewanny Adawlut,

N. W. PROVINCES.

SIR,

I have the honor to acknowledge the receipt of your letter of the 20th ultimo, No. 231 forwarded to me by the Superintendent Hill States, and in reply I beg to refer you to a resolution passed by the Right Hon'ble the Governor General, dated 21st October 1847 transferring the administration of the Cis-Sutlej States to the Government of India in the Foreign Department, by which arrangement the Judgeship of Simlah was abolished.

I have the honor to be, &c.,

(Signed) J. C. ERSKINE,

Civil and Sessions Judge.

Cis-Sutlej States, Civil and Sessions Judge's Office, Umballa, the 3rd March, 1848.

No. 390 of 1848.

FROM G. F. EDMONSTONE, ESQUIRE,
Register to the Court of
Sudder Dewanny Adawlut,
N. W. PROVINCES.

S. D. A. N. W. P.
Present :
B. Tayler,
G. P. Thompson,
and
C. R. Cartwright,
Judges.
} Esquires.

To H. M. ELLIOT, ESQUIRE,
Secretary to Government of India.

SIR,

With reference to the enclosed copy of a letter from the Civil and Sessions Judge, Cis-Sutlej States, I am desired by the Court to enquire, whether it was the intention of the Right Hon'ble the Governor General of India by the resolution dated 21st October 1847 to supersede the rules passed for the administration of Civil Justice in Subathoo, and the territories annexed thereto, under date the 10th November 1842, and to remove the tracts in question from the jurisdiction of the Sudder Dewanny Adawlut, North Western Provinces.

2nd. The Court are in doubt, not being aware that Act XV. of 1836 has been rescinded, or having received a copy of the resolution in question.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,
Register.

Agra, the 21st March, 1848.

No. 1144 OF 1848,

FOREIGN DEPARTMENT.

FROM H. M. ELLIOT, ESQUIRE,
Secretary to the Government of India,

To G. F. EDMONSTONE, ESQUIRE,
Register to the Court of
Sudder Dewanny Adawlut,
N. W. PROVINCES.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 390, dated the 21st March last, enquiring whether it was the intention of the Governor General by the resolution, dated 21st October last to supersede the rules passed in 1842 for the administration of Civil Justice in Subathoo, &c., and to remove the tracts from the Court's jurisdiction.

2nd. In reply I am directed by the Governor General in Council to acquaint you that there is no intention at present of repealing Act XV. of 1836; the Hill Tracts will therefore continue subject to the jurisdiction of the Sudder Dewanny, North Western Provinces.

3rd. The Governor General in Council will be glad to learn how many cases from the Hill Tracts have come under the notice of the Court since the enactment of Act XV. of 1836.

I have the honor to be, &c.,

(Signed) H. M. ELLIOT,

Secy. to the Govt. of India.

Fort William, the 6th May, 1848.

No. 750 of 1848.

S. D. A. N. W. P.

Present:

B. Tayler, G. F. Thompson, and C. R. Cartwright, *Judges.* Esquires.

To the Hon'ble J. C. ERSKINE,

Civil Judge, Cis-Sutlej States,

AMBALLAH.

SIR,

With reference to your letter No. 79, dated 3rd March last, I am directed by the Court to forward to you copy of a letter No. 1144, dated 6th instant from the Secretary to the Government of India in the Foreign Department, intimating that there is no intention at present of repealing Act XV. of 1836, and that the Hill Tracts, accordingly, are still subject to the jurisdiction of this Court.

2nd. This declaration obliges the Court to call upon you for the Quarterly Statements of Civil business for the fourth quarter, and the annual statements of 1847 with the usual report, as well as for copies of decisions recorded by you in English on original suits or appeals, connected with the Hill Tracts in question, from the 1st January last to the present time.

3rd. You will be pleased also to submit the usual Quarterly Statements of Civil business for the first quarter of the current year, and to continue their submission according to the practice which was in force prior to the resolution dated 21st October 1847. Care must be taken to keep the statements of business relating to the Hill Tracts distinct from those, which concern the other territories comprised in your jurisdiction.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,

Register.

Agra, the 20th May, 1848.

SUDDER DEWANNY ADAWLUT.

Names Judges with the Court in 1847,

97. Messrs. Thompson* and Cartwright† Judges of the Court were absent during the greater part of the year under report, their places being supplied by Messrs. Begbie and H. Lushington; the latter was relieved on the 30th November, while the former was detained until after the close of the year, when Mr. Thompson rejoined the Court. During Mr. Tayler's absence of one month from the 5th November to 4th December no one was appointed to officiate.

and subjoins a note of work disposed of and pending.

98. The following note exhibits the number of cases disposed of, and pending in the Court during the year 1847.

Pending on 1st January 1847, ...			92
Admitted during the year, ...	Regular Appeals, ...	44	
	Special Appeals, ...	163	
		—	207
			299
Disposed of	Regular Appeals, ...	52	
	Special Appeals, ...	158	
		—	210
Remaining on 1st January 1848, ...			— 89

Submits the usual comparative tables,

99. The usual comparative table is subjoined in order to give a compendious view of the business brought before the Court in the past and the preceding year, and to shew how the cases were disposed of, and a note is added exhibiting the years in which the appeals pending on the 1st January 1847 and 1848, and on the 1st May 1848, were instituted. The only circumstances worthy of notice are the large increase of special appeals, as well as of applications in the miscellaneous department for their admission, and the corresponding falling off in the number of regular appeals; the decisions passed give an average of 70 to each Judge. It is hoped that the smallness of arrear at the close of the year and the recent institution of the cases, that awaited decision on the 1st instant, may be considered evidences of the attention which has been bestowed on the business of the Court.

and notices the large increase of special and corresponding decrease of regular appeals.

	Regular and Special Appeals.															Miscellaneous disposed of.			
	Pending on 1st January.			Admitted during the year.			Total before the Courts.			Disposed of.			Pending on the 31st December.						
	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Regular.	Special.	Total.	Cases.	Petitions.	Petition of Special Appeal.	Total.
1846, ...	85	32	117	63	103	166	148	135	283	91	100	191	57	35	92	550	792	428	1770
1847, ...	57	35	92	44	163	207	101	198	299	52	158	210	49	40	89	566	603	546	1715
Increase, ...	0	3	0	0	60	41	0	63	16	0	58	19	0	5	0	16	0	118	0
Decrease, ...	28	0	25	19	0	0	47	0	0	39	0	0	8	0	3	0	189	0	55

* From 20th April to end of year.

† From 6th April to 1st December.

Distribution of the cases disposed of with reference to the mode of disposal.

	Confirmed on perusal of the petition of appeal and decree of the lower Court.	Confirmed after summoning the Respondent.	Reversed.	Modified.	Ordered back for retrial or further investigation.	Dismissed on default.	Adjusted.	Total.
1846, ...	39	28	38	16	64	4	2	191
1847, ...	22	30	27	20	103	5	3	210
	—17	+2	—11	+4	+39	+1	+1	+19

Dates of institution of Appeals pending on the 1st January 1847, and the 1st January 1848.

	1844	1845	1846	1847	Total.
1846, ...	0	14	78	0	92
1847, ...	0	1	14	74	89

Pending on the 1st May, 1848.

1845	1846	1847	1848	Total.
0	5	16	42	93

100. The increase of applications for special appeal has been incidentally noticed above, and the fact calls for consideration as being altogether opposed to the experience of the two or three preceding years, the returns of which exhibited a progressive decrease of work in this particular branch of the miscellaneous department: the orders passed on the 546 applications that were entered are shewn in the following memorandum :—

The large number of applications for special appeal during the past year deserves attention;

Admitted.	*Rejected.*	*Struck off.*	*Total.*
163	359	24	546

and on a comparison of this result with that exhibited in the 94th paragraph of the Court's last Report it appears that, whereas the applications were more numerous in 1847 by about 28 per cent., than in 1846, the proportion of admissions was larger only by 4 per cent. It seems to the Court that these differences may be explained by the large field which the law leaves for the exercise of individual judgment in its application, and by the readiness, with which the people and the practitioners about the Courts detect, and act upon, the tendency of a public officer's opinions.

partly accounted for by the nature of the law's provisions.

101. The 210 appeals disposed of involved claim to property of Rs. 9,09,967 value, and that at stake in the 89, which remained undecided at the close of 1847, amounted to Rs. 12,41,089: the amount of property under litigation before all the local Courts, when the year ended, was Rs. 91,18,543, which with the value of appeals before the Sudder Dewanny Adawlut, as just stated, makes an aggregate of Rs. 103,59,632.

Value of property under litigation stated.

In original suits, ... Rs. 81,21,383.
In appeals, ... Rs. 22,38,249.

An abstract of statement No. 2, and shewing result of operations in local Courts is given,

102. In the subjoined abstract of Statement No. 2 the general result of operations in all the local Courts of the districts above reported on is represented.

	Pending, on 1st January 1847.	Instituted and received by transfer in 1847.	Total.	Transferred to other Courts.	Remaining for trial.	Decided on trial.	Dismissed and adjusted, &c.,	Total disposed of.	Pending at the end of 1847.
Originals,.....	16609	74254	90863	5387	85476	44985	23047	68032	17444
Appeals, ...	2916	10032	12948	2714	10204	6312	506	6818	3386
1847, ...	19525	84286	103811	8131	95680	51297	23553	74850	20830
1846, ...	20675	82664	103339	8516	94823	50293	24665	74958	19865
	—1150	+1622	+472	—385	+857	+1004	—1112	—108	+965

This table does not, it seems to the Court, call for any particular remarks: as the business instituted was more heavy, so the decisions passed were numerous, and the arrear pending at the close of the year larger, but of all the cases whether original or appeal, composing it, 150 only were brought on the file prior to the beginning of the year 1847, and of these many were cases that had been once disposed of and had been remanded on comparatively recent dates for further investigation or retrial. It will elucidate the above table, and enable the Government to estimate more correctly the labors of the Judicial Officers, to state that of all the original suits (44,979*) represented above as having been decided on the merits, *ex parte* decrees were passed on 8,865, and judgment was confessed by the defendants in 14,930 cases: the two items compose 52·89 per cent. of the whole number of "decisions on trial," and the number of *contested* suits adjudicated amounts to 21,190 only.

and remarks added regarding the nature of the arrear, and the proportion of *ex parte* and *ikbaldawa* decisions.

Statement No. 2 continued.—A table, shewing the issue of original trials is subjoined.

103. A table is subjoined, in which the decisions passed after trial on all original suits are distributed, according as they were in favor of plaintiffs, or defendants, and according to the Court in which they were delivered.

	For Plaintiffs.	*For Defendants.*	*Total.*
Judges, ...	2	5	7
Principal Sudder Ameens,	1809	813	2622
Sudder Ameens, ...	3792	1176	4968
Moonsiffs, ...	30877	6511	37388
	36480	8505	44985

The proportion of suits decided by the Moonsiffs is 83·11 per cent., and of those that went in favor of plaintiff 81·09 per cent.

* 6 decided by the Judges being deducted.

104. The average period which would elapse from the first institution to the final decision of each case would appear from Statement No. 4 to be in Sudder Dewanny Adawlut little more than five months, in the Zillah Courts nearly eight months, in the Courts of the Principal Sudder Ameens less than five, in the Courts of the Sudder Ameen less than 3½ and in those of the Moonsiffs little more than two months; it may be presumed, then, that no avoidable delay occurs in the transaction of business, and that the present strength of the judicial agency is on the whole adequate to the wants of the litigant community.

Statement No. 4. The period, occupied on average in the decision of a suit in each Court is stated;

and an argument in favor of the adequacy of the judicial establishment deduced.

105. This statement shews a still further falling off in the use of Regulation VI. of 1832, which was confined to the trial of 86 cases, of which all but two were decided in accordance with the opinion of the natives employed: in ten districts the law was inoperative, in 4 others its application in practice was very limited, and in Furruckabad only was the agency which it provides extensively employed. It seems certain that the decreasing use of this enactment (vide* note) is traceable, first to the restriction thereof to the Judge's Court, in which appeals only are tried, and the inapplicability of its provisions to appeals; 2ndly, to the delay, which is caused thereby in the decision of cases; 3rdly, to the reluctance of independent and respectable natives to give their aid; 4thly, to the preference usually given by suitors to the impartial decision of the Judge unassisted by native agency, and lastly to the very small class of cases, in which the knowledge and experience of natives can be rendered available, and useful. The law is important rather as it affects the administration of Criminal than Civil Justice, and it is sufficient in this place to refer to a suggestion offered in the 161st para. of the Court's Report for 1845, if it be the desire of Government to extend the operation of the law.

Statement No. 7 shews the operation of Regulation VI. of 1832,

the use of which, for various reasons stated in the text, seems to be progressively decreasing.

* 1843	165
1844	141
1845	118
1846	151
1847	86

106. In this statement will be found the different descriptions of original suits instituted in the several local Courts within the regulation provinces during the past year; it will be sufficient here to state that of 63,611 cases, 50,322 (79·2 per cent.) had reference to debts on bond, damages, &c., while 13,289 were brought for possession or for the assertion of some right in land or other real property: the proportion of personal actions is even larger than it was in 1846, and it is likely to be still further increased, if the draft* Act on which the Court's opinion was required by your letter No. 4305, dated 6th November 1847, should become law; the Court expressed their approval of the proposed enactment, as being calculated to give a stability and value to property in land which it does not now possess, but they have not been informed of any further steps being taken in regard to it.†

Statement No. 8. relates to the descriptions of suits, laid in the several Courts;

personal actions compose the greater part of the litigation, and will become even more numerous, if a certain draft Act be passed.

107. The details of this statement which is designed to exhibit the number of appealable cases decided during the past year in all the Courts of the North Western Provinces, the proportion of appeals instituted to the number of decisions, and the number as well as proportion of

Statement No. 9 shews the proportion of appeals to decisions and their result;

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* A draft Act "to define the limit within which a regular suit may be brought to contest the summary awards of the Revenue Authorities."

† Since these remarks were written, the Act has become Law.

confirmations and reversals in the appellate Courts, do not differ very materially from those which were alluded to in the 101st paragraph of the Court's Report for 1846. In cases that are decided *ex parte*, or on confession of judgment there will generally speaking be but little room for the preferment of appeal, and if appeal be preferred the matter in dispute will not usually relate to the merits, but rather to some error or omission in procedure; the numbers given in Column 5, therefore, should perhaps be taken as the true proportion of decisions with which the parties concerned have had good reason to be dissatisfied, and these of course represent the character of those decisions in the most unfavorable light possible. It will however be admitted that, less than one-third of the decisions passed having been appealed from, and nearly two-thirds of those appealed having been upheld in the appellate Courts, a presumption arises in favor of the general fairness, impartiality and justice of those decisions so far at least as the appellate Courts may be capable of forming a judgment on those points; this presumption is rendered the stronger when the nearness of the appellate Court, the small expense, and the consequent facility of instituting an appeal are considered, and, when it is added that many of those counted as reversals are merely orders remanding cases for further investigation or retrial with reference to some error or omission, the result may perhaps be pronounced not discreditable to the judicial body generally. It should be observed in regard to the small proportion of the Zillah Judge's deci-

which result is, on a consideration of the details entered in the statement, considered satisfactory,

the small number of Zillah Judge's decisions confirmed is explained by reference to the practice of the Sudder Dewanny Adawlut, under the law of special appeal,

Officers.	Description of Cases.	1	2	3	4	5	6	7	8	9	10	11	12	13	14
		Original suits and first appeals.	Number appealable.			Proportions.			First and Second Appeals.						
		Cases decided on full trial.	Cases decided *ex parte*.	Cases decided on confession of judgment.	Total.	Of column 9 to column 1.	Of column 9 to column 1 and 2.	Of column 9 to column 1, 2 and 3.	No. pending at the end of 1846.	No. appealed during the year 1847.	Total number under trial during the year 1847.	Number confirmed.			Number modified or reversed.			Total decided during the year.		Proportion of confirmations to number tried.
									Before Sud. Dewanny Adawlut.	To Sudder Dewanny Adawlut.	Before Sudder Dewanny Adawlut.	By Sudder Dewanny Adawlut.	By Judge.	Total.	By Sudder Dewanny Adawlut.	By Judge.	Total.	By Sudder Dewanny Adawlut.	By Zillah Authorities.	
									Before Zillah Authorities.	To Zillah Authorities.	Before Zillah Authorities.	By Principal Sudder Ameen.			By Principal Sudder Ameen.					
									R. S.	R. S.	R. S.	R. S.			R. S.			R. S.		
101 Moons. 17 S. A.	Or. suits,	16,588	7,730	13,923	38,241	31·98	21·81	13·87	0 0	0 0	0 0	0 0	1,637	1,432	3,069	0 0	782	860	1,642	0 0	0	1,711	65·14
	ditto	2 634	797	680	4,115	36 42	27·97	23·35	0 0	0 0	0 0	0 0	206	266	472	0 0	157	133	290	0 0	0	762	61·94
25 P.S.A.	ditto	1,957	338	327	2,622	24·06	22·11	20·73	55 10	445	43	47	1,022	98	1,467	21 10	546	263	13	27	47	839	67·1
	Appeals,	2,664	69	8	2,741																		
20 Judgs	Or. suits,	7	0	0	7	3·26	3·26	3·26	1 26	0	1	116	0	2	142	0	1 40	0	0	0	1	106	0 19·62
	Appeals.	3,371	0	0	3,371																		
	Total,	27,425	8,934	14,938	51,297	27·32	20 61	14 61	56 36	2,916	44 163	7,288	100	199	10,204	22 30	2,389	1,715	4,104	56 124	1,182	1,926	48 154	2,312	65·01

sions that are shewn to have been confirmed in appeal, that the cases brought to trial are almost without an exception special appeals, which are admitted under Act III. of 1843, after examination of the decisions of the lower Courts, for the express purpose of adjudicating upon a supposed violation of the Mohumedan or Hindoo law or of the Regulations, or a supposed departure from the usage of the Courts, and the error is generally detected with sufficient certainty before the appeal is admitted, and its fate is, so to speak, determined before the case is brought to actual hearing. But there are numerous applications for special appeal, which, as shewn in para. 100, are rejected owing to the insufficiency of the grounds pleaded, and the decisions to which they relate must be regarded as good decisions quoad the only points, which are open to appeal; these are not exhibited in the statement and hence the apparently unfavorable result as far as the judgments of the zillah Judges are concerned.

108. The Court think it sufficient to refer to the statement for the result of the operations of the local Courts in the execution of decrees, merely observing that the character of it is much the same as it was in 1846, and that the remarks recorded in para. 102 of the Report for that year are equally applicable. Of 9,297 cases that were pending when the year closed (252 appertaining to the Kumaon Courts) 50 only were brought on the file before the beginning of 1847.

Statement No. 10 relates to the execution of decrees, a subject, which calls for no other remarks than those previously recorded.

109. The usual statement shewing the manner in which the power of remanding suits has been exercised by the Judges and the Principal Sudder Ameens during the past three years is subjoined: it appears to the Court to call for little remark: the only considerable variations in the number of remands appear in Bareilly, Agra, Futtehpore, Goruckpore and Benares; and in the four first districts the difference may be explained by this, that the same individual Judges did not officiate in those districts during the whole of 1847 as in 1846; nor do the remaining statements Nos. 11 and 12, which exhibit the miscellaneous business dispatched in the several local Courts and the Sudder Dewanny Adawlut, require particular notice.

The way, in which the power of remanding cases has been exercised by the Zillah Judges and Principal Sudder Ameens, is shewn in the usual forms subjoined;

and certain variations, observable are explained.

Nos. 11 and 12 do not need notice.

Zillahs.	1845			1846.			1847.		
	By the Judge.	By the Principal Sudder Ameen.	Total.	By the Judge.	By the Principal Sudder Ameen.	Total.	By the Judge.	By the Principal Sudder Ameen.	Total.
Dehli,	25	3	28	31	1	32	18	5	23
Saharunpore,	21	0	21	8	0	8	10	0	10
Meerut,	8	2	10	23	0	23	28	0	28
Allygurh,	23	2	25	10	6	16	22	4	26
Moradabad,	1	15	16	6	8	14	21	4	25
Bareilly,	8	6	14	13	9	22	17	20	37
Agra,	6	0	6	10	0	10	16	4	20
Furruckabad,	4	0	4	1	0	1	5	0	5
Mynpooree,	7	2	9	1	5	6	4	7	11
Cawnpore,	37	0	37	32	5	37	24	3	27
Futtehpore,	21	0	21	33	0	33	15	0	15
Bundelkund,	15	0	15	19	0	19	17	0	17
Allahabad,	25	2	27	15	0	15	25	0	25
Goruckpore,	7	6	13	6	4	10	38	8	46
Azimgurh,	16	2	18	31	4	35	22	3	25
Joumpore,	7	9	16	8	1	9	9	0	9
Mirzapore,	9	0	9	9	0	9	14	0	14
Benares,	50	1	51	37	1	38	15	0	15
Ghazeepore,	52	0	52	11	0	11	12	2	14
Kumaon,	35	8	43	21	16	37	21	27	48
Subathoo,	16	0	16	6	0	6	0	0	0
Total,	393	58	451	331	60	391	353	87	440

* In Kumaon for "Judge" Subandi "Commissioner;" for "P. S. Ameen" ditto "Senior and Junior Assistants."

Act XVII. of 1847 is the only important law, that was passed during the period under report;

its effect remains to be seen.

110. The year 1847 has not been prolific of judicial enactments, and those which have been passed are of secondary importance: Act No. XVII. "for remedying a defect in the Law regarding undiscovered defaults in the "prosecution of suits" forms the only exception, and it is important as relaxing the stringency of the original law (Act XXIX. of 1841) even more largely than did Act XVI. of 1845: the Court expressed their approval of the principle and the provisions of this Act (vide my letter No. 1067, dated 4th August 1847) and of course its operation practically will be attended with no difficulty, but it remains to be seen what its effects on the administration will be, and whether the disposition to procrastinate whenever he is able, which is natural to a native of India, and which was repressed by the severity of Act XXIX. of 1841, will not receive encouragement from the chance of impunity which the enactment of 1847 affords.

No further remarks are required.

111. The Court do not think it necessary for the reasons stated in para. 106 of the Report for 1846 to refer to the various Circular orders which have been issued during the past year, or to detain the Government with any further remarks regarding the administration: the system is doubtless susceptible of much improvement, if the Government are prepared to make organic alterations, and the agency might be both more able and more distinguished for integrity than it is, but, the Court believe, the Regulations, as they stand, are for the most part faithfully and conscientiously administered, and that with *them* lies the blame, which many are too ready to ascribe to the law's agents, of those technicalities that beset the path of suitors, and operate, not infrequently, as obstacles to justice.

Publication of Zillah Judge's decisions was commenced on 1st January;

the Court are not convinced of the utility of the measure, which they opposed in the first instance.

112. The Court will only add that, in obedience to the orders of Government, No. 4,338, dated 8th November 1847, the monthly publication of Decisions passed by the Zillah Judges, and recorded under Act XII. of 1843, was commenced on the 1st January of the current year; the measure was opposed by the Court, and as yet they have not been convinced of its utility, but the subject will be noticed more at length in the next Report, before submitting which the Court will have had sufficient opportunity of judging whether the publication has answered any useful purpose.

I have the honor to be, Sir,

Your most obedient servant,

G. F. EDMONSTONE,

Register.

Agra, the 24th May, 1848.

LIST OF ORIGINAL ENCLOSURES.

No. 1,	Letter from	the	Judge of Dehlie, ...	No.	33,	dated 15th April,		1848.
No. 2,	„	ditto	Offg.	Judge of Saharunpore, ...	No.	21,	dated 23rd Feby.,	1848.
No. 3,	„	ditto		Judge of Meerut, ...	No.	27,	dated 8th April,	1848.
No. 4,	„	ditto		Judge of Allygurh, ...	No.	18,	dated 4th May,	1848.
No. 5,	„	ditto		Judge of Mooradabad, ...	No.	23,	dated 13th March,	1848.
No. 6,	„	ditto	late Offg.	Judge of Bareilly, ...	No.	27,	dated 6th May,	1848.
No. 7,	„	ditto		Judge of Agra, ...	No.	58,	dated 17th April,	1848.
No. 8,	„	ditto	Offg.	Judge of Furruckabad, ...	No.	26,	dated 10th Feby.,	1848.
No. 9,	„	ditto	Offg.	Judge of Mynpoorie, ...	No.	11,	dated —— March,	1848.
No. 10,	„	ditto		Judge of Cawnpore, ...	No.	100,	dated 13th April,	1848.
No. 11,	„	ditto		Judge of Futtehpore, ...	No.	3,	dated 31st Jany.,	1848.
No. 12,	„	ditto		Judge of Bundelkund, ...	No.	18,	dated 3rd April,	1848.
No. 13,	„	ditto	Offg.	Judge of Allahabad, and 1 Encl.,	No.	11,	dated 31st Jany.,	1848.
No. 14,	„	ditto	P. S. A. in charge of Judge's Office	Goruckpore,	No.	—,	dated 1st Feby.,	1848.
No. 15,	„	ditto		Judge of Azimgurh, ...	No.	—,	dated 31st Jany.,	1848.
No. 16,	„	ditto		Judge of Jounpore, ...	No.	12,	dated 4th Feby.,	1848.
No. 17,	„	ditto		Judge of Mirzapore, ...	No.	48,	dated 13th April,	1848.
No. 18,	„	ditto		Judge of Benares, ...	No.	42,	dated 24th Feby.,	1848.
No. 19,	„	ditto		Judge of Ghazeepore, ...	No.	11,	dated 27th Jany.,	1848.
No. 20,	„	ditto		Comr. of Kumaon and 2 Encls.,...	No.	10,	dated 21st Feby.,	1848.

G. F. EDMONSTONE,

Register.

APPENDIX A.

No. 54.

To G. F. EDMONSTONE, Esquire,

Register Sudder Dewanny Adawlut,

Agra.

Sir,

I have the honor to report for the consideration and orders of the Court, the following case which has been pending for some time past.

2d. On the 22d May 1845, the wife of Mohumed Ali instituted a suit against her husband in the Court of the Principal Sudder Ameen for a claim of Rs. 800 being her portion of an established allowance from Government, on account of certain Kutrie lands: it appears the plaintiff is entitled to the sum of Rs. 160 per annum, which has not been paid her by the defendant for five years, viz. 1840 to 1844, Mohumed Ali having promised by a *hibbanamah* to do so regularly every year. This document bears date the 29th September, 1825, by virtue of which the plaintiff on a former occasion gained a suit of a similar nature to the present, against her husband.

3rd. The case now under reference was decided by the Principal Sudder Ameen in favor of the plaintiff on the 25th June, 1845. She therefore in satisfaction of the decree requested a seizure of the pecuniary allowance (from which this annuity was promised to be paid) enjoyed by the defendant, who protested against the measure, declaring that the allowance he received from Government was not liable to attachment. The Principal Sudder Ameen in consequence declined further interference in the matter, and was of opinion that Construction No. 788 of the 3rd May 1833 had reference to the subject in question.

4th. The plaintiff having received intimation of the decree not being executed in the manner desired by her, presented an appeal in this Court on the 22nd April 1846, and after due examination of all the papers connected with the case, it appears that Doorgapershad and Radha Kishen (*alias* Mohumed Ali) were originally joint proprietors of the Kutrie lands, which were held free by them, but in consequence of the malice and turbulent disposition of the zumeendars they voluntarily ceded the lands to Government on the 14th September 1824, and in substitution received an allowance of Rs. 1,500 annually. But this annuity has not the slightest reference to Regulation XII. of 1814—nor is Construction No. 788 at all applicable to it. It is evidently a *bonâ fide claim* from Government to him of a personal grant of free lands. Taking this view of the case, my predecessor informed the Principal Sudder Ameen of the legality of the seizure, and authorized him to acquaint the Collector of the same. This was accordingly done, but on the circumstance being brought to the notice of the Commissioner, that Officer on the 23rd October 1846 prohibited the Collector from interfering with the defendant's allowance.

5th. Having detailed the particulars of the case, I beg to solicit such orders as may be deemed necessary for the speedy adjustment of the transaction.

I have the honor to be, &c.,

(Signed,) E. H. MORLAND,

Offg. Judge.

Furruckabad Judge's Office,
The 11th May, 1847.

Extract (paragraphs 1st and 2nd) from the Court's letter No. 729, dated 25th May 1847, to the address of the Officiating Judge of Furruckabad.

1st. Your letter No. 51, dated the 11th instant with its several enclosures, relative to a suit brought by a wife against her husband for portion of certain allowances, receivable from Government, has been laid before the Court for their orders.

2d. The Commissioner has prohibited the attachment of the allowance, on the ground that it is "pensionary," and "substituted for a personal grant of rent-free lands for personal subsistence;" the Commissioner's declaration that the allowance is pensionary, assumes the whole question at issue, for pensions have been expressly exempted from seizure by Regulation XII. of 1814, and Construction No. 788 which merely illustrates, and insists upon, the practical enforcement of the prohibition which that Regulation enacts. But a reference to the terms and the avowed purposes of that Regulation is sufficient to shew that the allowance, which is now the subject of consideration, is not in the same category with the "pensions" thereby exempted from attachment in execution of decrees of Court; this allowance was not granted to "any worn-out public servant for his support and maintenance in old age;" it was not the result of the spontaneous beneficence and charity of the Government, nor are the views of the Government likely to be defeated by the attachment which is now solicited: this allowance is just as much the property of the owner, as were the rent-free lands for which it was substituted, and it is, therefore, liable to seizure in execution of a decree, as the ceded lands would have been, had they now been in the possession of the judgment debtor; it is in fact an annuity, for which the recipient has paid its full value, and not a privileged income gratuitously given in consideration of past services.

(True Extract.) G. F. EDMONSTONE,

Register.

APPENDIX B.

No. 37 of 1847.

To G. F. EDMONSTONE, Esquire,

Register of the Sudder Dewanny Adawlut,

N. W. Provinces,

Sir, Agra.

Agreeably to Section 10, Regulation XXXIV. of 1803, the mortgagee in a case of mortgage is to deliver in the accounts of his gross receipts from the property mortgaged, and of his expenditures for the management or preservation of it, and he is to swear that the accounts delivered in are true and authentic. There is no mention, however, what steps are to be taken in the event of the mortgagee refusing to swear to the correctness of the accounts.

2nd. I beg, therefore, you will obtain for me the opinion of the Sudder Court, whether under such circumstances the mortgagee in a suit brought for the redemption of mortgaged property can be allowed to produce proof to refute the evidence, which the mortgager has adduced in support of his allegation as to the realization of the amount of the mortgage from the *usufruct* of the mortgaged property. It appears doubtful to me, whether the mortgagee from the predicament he has placed himself by refusing to swear that the accounts he has delivered in are true and authentic, has not lost his right to bring forward evidence to shew that the statement made by the mortgager's witnesses relating to the matter of the *usufruct*, is false and not to be depended upon.

I have the honor to be, &c.,

(Signed) H. ARMSTRONG,

Dewanny Adawlut, Zillah Futtehpore, the 25th September, 1847.

Judge.

No. 1398 of 1847.

To H. ARMSTRONG, Esquire,

Judge of Futtehpore.

Sir,

S. D. A. N. W. P.

Present:

B. Tayler, *Judge.*
A. W. Begbie, and
H. Lushington, *Offg. Judges.*
} Esquires.

I have the honor to inform you, that your letter No. 37, dated 25th ultimo enquiring the Court's opinion as to the course which should be pursued in the event of the mortgagee refusing to swear to the correctness of accounts, delivered agreeably to Section 10, Regulation XXXIV. of 1803, has been laid before the Court.

2nd. In reply, I am directed to observe, that the mortgagee's refusal to attest his accounts places him in precisely the same predicament, which his refusal to deliver his accounts would do, and it rests with the Court to determine whether the evidence adduced by the mortgager is trustworthy, and whether it establishes his allegation that the mortgage has been redeemed from

the *usufruct* of the mortgaged property. This is a point, in regard to which the trying Offices alone is entitled to form an opinion; the Court do not consider the failure to attest the accountr as an absolute bar to the production of evidence by the mortgagee, but they would observe that the mortgagee's refusal to swear to the truth of them affords a strong presumption of their falseness.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,

Register.

Agra, the 2nd October, 1847.

No. 15 OF 1847.

To G. F. EDMONSTONE, ESQUIRE,

Register of the Sudder Dewanny Adawlut,

N. W. Provinces,

SIR, AGRA.

I beg to transmit a copy of a proceeding from the Principal Sudder Ameen of this station dated the 17th March last, and to request you will lay the same before the Court for their orders.

2nd. The Principal Sudder Ameen has requested to be informed, how he is to deal with a case in which he may refuse to admit a replication which was not presented on the "next Court day." He considers, it has been left entirely optional with the Judge by the Court's Circular Order, No. 100, of the 2nd July 1845, to admit a replication after the expiration of one day; in the event then of his refusing to receive a reply from its not having been presented on the day prescribed in Section 5, Regulation III. of 1803, (a rule he subsequently stated he would generally follow,) he is at a loss how to proceed with the suit, whether to try it without further pleadings, or to allow it to remain on the file until the expiration of six weeks and then to strike it off.

3rd. My own opinion is that the law does not require that a suit should not be tried, unless the plaintiff has replied to the answer of the defendant. The Regulation above quoted gives the plaintiff the option to file a replication to the answer of the defendant, and in like manner allows the latter to rejoin to the reply, but it in no respect authorizes the dismissal of a suit without trial on account of the plaintiff's neglect to deliver a replication. He may not see any necessity to reply to the defendant's answer, and is satisfied to have the suit tried on the proofs produced by both parties in support of their allegations and pleas, leaving it to the Judge, after sifting the evidence on both sides, to determine how far the plaintiff's claim has been refuted by the defendant's pleas.

4th. My view of the law on the question referred for the Court's consideration may however be wrong; it is desirable therefore, that the point should be determined, and I accordingly beg to obtain the Court's opinion.

I have the honor to be, &c.,

(Signed) H. ARMSTRONG,

Judge.

Dewanny Adawlut, Zillah Futtehpore, the 15th May, 1847.

No. 742 of 1847.

To H. ARMSTRONG, Esquire,

Judge of Futtehpore.

S. D. A., N. W. P.,
Present :
B. Tayler, *Judge.*
A. W. Begbie, and
H. Lushington, *Offg. Judges* } Esquires.

Sir,

I am desired to acknowledge the receipt of your letter No. 15, dated 15th instant, soliciting, on the part of the Principal Sudder Ameen, the opinion of the Court as to the proper mode of dealing with a suit, in which he may refuse to receive a replication, not presented on the next Court day after filing of the defendant's answer, and to state, in the first place, with reference to your remarks on the law, that both Courts of Sudder Dewanny Adawlut have concurred in ruling that a Civil suit cannot be tried on its merits, until the replication, on the plaintiff's part, have been filed.

2nd. You are requested to inform the Principal Sudder Ameen, that in the case supposed the order for dismissal on default cannot legally issue until the expiry of six weeks from the date, on which the defendant's answer may have been presented; it is clear, however, that this mode of procedure involves the absurdity of dismissing a suit at the end of six weeks, not because the plaintiff has defaulted, but because the Court would not allow him to proceed.

3rd. The Court, therefore, altogether disapprove of the illiberal principle, on which the Principal Sudder Ameen in future proposes to act, and consider that he would exhibit a wiser discretion in following the indulgent Construction of the law, which it was the object of the Circular Order to enforce.

I have the honor to be, &c.,

(Signed) G. F. EDMONSTONE,

Register.

Agra, the 31*st May*, 1847.